

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
March 6, 2012**

A meeting of the Fayetteville City Council will be held on March 6, 2012 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. 4th Quarter Financial Report 2011, Paul Becker, Finance Director

Agenda Additions:

A. Consent:

1. Approval of the February 21, 2012 City Council meeting minutes. **APPROVED**
2. **Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area:** A resolution approving a budget adjustment in the amount of \$98,808.00 recognizing revenue from the Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 43-12

113 West Mountain Fayetteville, AR 72701 (479) 575-8323 accessfayetteville.org
Telecommunications Device for the Deaf TDD/TTY (479) 521-1316

3. **Water and Sewer Relocation AHTD-Utility Agreement:** A resolution approving a contract with the Arkansas State Highway and Transportation Commission regarding utility construction and relocation of water and sewer utilities related to the Highway 112 Spur (Garland Avenue) Widening and Improvement Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 44-12

4. **Garver, LLC:** A resolution approving a contract with Garver, LLC in an amount not to exceed \$40,000.00 for professional engineering services related to the renovation of the Wilson Park swimming pool deck and interior.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 45-12

5. **4248 S. School Ave. Hangar Improvements:** A resolution awarding Bid #12-22 and authorizing a contract with Pick-It Construction, Inc. in the amount of \$235,100.00 for construction of alterations and improvements to the hangar at 4248 S. School Avenue, approving a project contingency of \$16,750.00, recognizing and accepting grant revenue from the Arkansas Department of Aeronautics to partially fund the project, and approving a budget adjustment.

THIS ITEM WAS REMOVED FROM CONSENT FOR DISCUSSION

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 46-12

6. **City of Elkins Cost-Share Agreement:** A resolution approving a cost-sharing agreement with the City of Elkins in an amount not to exceed \$150,000.00 for replacement and improvements of the Elkins Outfall Sewer Line.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 47-12

7. **Rosetta Construction, LLC:** A resolution to approve a construction contract with Rosetta Construction, LLC for \$692,223.00 with a contingency of \$50,000.00 to construct the Elkins Outfall Gravity Sewer Improvements and to approve the attached budget adjustment of \$416,818.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 48-12

8. **Off Street Parking Development District No. 1 Appointment:** A resolution to approve the appointment of James A. Williams, Jr. to the Board of Improvement of the Downtown Off Street Parking Development District No. 1 of the City of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 49-12

B. Unfinished Business:

1. **Amend Chapter 151 Definition of “Family”:** An ordinance to amend the definition of “Family” found in Chapter 151 Definitions of the Unified Development Code to allow the City Council to authorize up to five (5) unrelated persons in some units of a Planned Zoning District. *This ordinance was left on the First Reading at the February 7, 2012*

City Council meeting. This ordinance was left on the Second Reading at the February 21, 2012 City Council meeting.

TABLED TO COME BACK WITH ORDINANCE ON ENFORCEMENT

C. Public Hearing:

- 1. Garland Avenue Water and Sewer Relocation Project:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Glen David Wilson Trust & Linda Kay Hinkle, Caren E. & Richard L. Hanna, Bob L. & Wilma B. Bonds, Margot Khavinson, Remington C. Hendrix, Spirits Shop, Inc., and Donald W. & Brenda Sue Johnston needed for water and sewer relocations along N. Garland Avenue, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 50-12

D. New Business:

- 1. RZN 12-4024 (1934 E. Huntsville Rd./Stiles):** An ordinance rezoning that property described in rezoning petition RZN 12-4024, for approximately 0.4 acres, located at 1934 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre to NS, Neighborhood Services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5486

- 2. Amend §114.03 First Thursday Fayetteville:** An ordinance to amend §114.03 First Thursday Fayetteville to close all streets around the square from 4:00 p.m. to 10:00 p.m. during First Thursday and to give control of all parking around the square (both inside and outside) to the Fayetteville Convention and Visitors Bureau during First Thursday.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5487

- 3. Bid #12-15 B&A Property Maintenance:** A resolution awarding Bid #12-15 and authorizing a contract with B&A Property Maintenance in a total amount of \$225,713.00 for the maintenance of trees, and approving a five percent (5%) project contingency.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 51-12

- 4. Employee Compensation Adjustment:** A resolution to approve a budget adjustment of \$1,154,000.00 to fund a city-wide 2012 employee compensation adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 52-12

City Council Tour:

Announcements:

Adjournment: 9:30 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the **Rules of Order and Procedure of the Fayetteville City Council** pertaining to City Council meetings:

- (a) Agenda additions.** A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.
- (b) Consent Agenda.** Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.
- (c) Old business and new business.**
 - (i) Presentations by staff and applicants.** Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aides in a City Council meeting as part of their presentation.
 - (ii) Public comments.** Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.
- (d) Courtesy and respect.** All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

A copy of the complete City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

City Council Meeting:

March 6, 2012

Adjourn: 9:30 p.m.

Subject:	Roll				
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Mayor Jordan	✓			

9-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Ferrell				
	Adams				
	Lewis				
	Gray				
	Boudreaux				
	Kinion				
	Petty				
	Tennant				
	Mayor Jordan				

Subject:	Consent				
Motion To:		Approve			
Motion By:		Tennant			
Seconded:		Gray			
Minister Approved Consent approved with #5 removed	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Mayor Jordan				

8-0

Subject: #5	4248 S. School Ave Hangar Improvements - Removed from Consent				
Motion To:		Amend resolution	Pass		
Motion By:		Ferrell	Boudreaux		
Seconded:		Kinion	Gray		
↓ Passed 43-12 thru 49-12	Ferrell	✓	✓		
	Adams	✓	✓		
	Lewis	✓	✓		
	Gray	✓	✓		
	Boudreaux	✓	✓		
	Kinion	✓	✓		
	Petty	✓	✓		
	Tennant	✓	✓		
	Mayor Jordan				

8-0

8-0

Subject:		Amend Chapter 151 Definition of "Family"			
Motion To:		3rd Read	Amend Language	Table	
Motion By:		Gray	Lewis	Kinion	
Seconded:		Tennant	Petty	Lewis	
B. 1 Unfinished Business Tabled to come back w/ ord on enforcement	Ferrell	✓	n	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	n	n	
	Boudreaux	✓	n	n	
	Kinion	n	✓	✓	
	Petty	✓	✓	n	
	Tennant	✓	n	n	
	Mayor Jordan		✓	✓	

1-1

5-4

5-4

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Ferrell				
	Adams				
	Lewis				
	Gray				
	Boudreaux				
	Kinion				
	Petty				
	Tennant				
	Mayor Jordan				

Subject:		Garland Avenue Water and Sewer Relocation Project			
Motion To:		Pass			
Motion By:		Boudreaux			
Seconded:		Ferrell			
C. 1 Public Hearing Passed 50-12	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Mayor Jordan				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Ferrell				
	Adams				
	Lewis				
	Gray				
	Boudreaux				
	Kinion				
	Petty				
	Tennant				
	Mayor Jordan				

Subject:	RZN 12-4024 (1934 E. Huntsville Rd./Stiles)				
Motion To:		2 nd Read	3 rd Read	Pass	
Motion By:		Boudreaux	Jernell		
Seconded:		Jernell	Lewis		
D. 1 New Business <i>Passed</i> 5486	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:	Amend §114.03 First Thursday Fayetteville				
Motion To:		2 nd Read	3 rd	Pass	
Motion By:		Petty	Lewis		
Seconded:		Adams	Tennant		
D. 2 New Business <i>Passed</i> 5487	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:	Bid #12-15 B&A Property Maintenance				
Motion To:		Pass			
Motion By:		Petty			
Seconded:		Lewis			
D. 3 New Business <i>Passed</i>	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
51-12	Mayor Jordan				

8-0

Subject:	Employee Compensation Adjustment				
Motion To:		Pass			
Motion By:		Boudreaux			
Seconded:		Adams			
D. 4 New Business <i>Passed</i>	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
52-12	Mayor Jordan				

8-0



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: March 7, 2012

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of March 6, 2012

1. **Gulf Coast High Intensity Drug Trafficking Area:** A resolution approving a budget adjustment in the amount of \$98,808.00 recognizing revenue from the Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area.
2. **Water & Sewer Relocation AHTD-Utility Agreement:** A resolution approving a contract with the Arkansas State Highway and transportation Commission regarding utility construction and relocation of water and sewer utilities related to the Highway 112 Spur (Garland Avenue) Widening and Improvement Project.
3. **Garver, LLC:** A resolution approving a contract with Garver, LLC in an amount not to exceed \$40,000.00 for professional engineering services related to the renovation of the Wilson Park swimming pool deck and interior.
4. **4248 S. School Ave. Hangar Improvements:** A resolution awarding Bid #12-22 and authorizing a contract with Pick-It Construction, Inc. in the amount of \$235,100.00 for construction of alterations and improvements to the hangar at 4248 S. School Avenue, amending Resolution #12-12 authorizing application for and accepting an 80/20 grant from the Arkansas Department of Aeronautics to partially fund the project, and approving a budget adjustment.
5. **Elkins Cost-Share Agreement:** A resolution approving a cost-sharing agreement with the City of Elkins in an amount not to exceed \$150,000.00 for replacement and improvement of the Elkins Outfall Sewer Line.

6. **Rosetta Construction, LLC:** A resolution to approve a construction contract with Rosetta Construction, LLC for \$692,223.00 with a contingency of \$50,000.00 to construct the Elkins Outfall Gravity Sewer Improvements and to approve the attached budget adjustment of \$416,818.00.
7. **Off-Street Parking Development:** A resolution to approve the appointment of James A. Williams, Jr., to the Board of Improvement of the Downtown Off-Street Parking Development District No. 1 of Fayetteville.
8. **Garland Avenue Water & Sewer Relocation Project:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Glen David Wilson Trust & Linda Kay Hinkle, Caren E. and Richard L. Hanna, Bob L. and Wilma B. Bonds, Margot Khavinson, Remington C. Hendrix, Spirits Shop, Inc., and Donald W. & Brenda Sue Johnston needed for water and sewer relocations along N. Garland Avenue, and approving a budget adjustment.
9. **First Thursday Fayetteville:** An ordinance to amend §114.03 **First Thursday Fayetteville** to close all streets around the Square from 4:00 p.m. to 10:00 p.m. during First Thursday and to give control of all parking around the Square (both inside and outside) to the Fayetteville Convention and Visitors Bureau during First Thursday.
10. **Bid #12-15:** A resolution awarding Bid #12-15 and authorizing a contract with B&A Property Maintenance in a total amount of \$225,713.00 for the maintenance of trees, and approving a 5% project contingency.
11. **Employee Compensation Adjustment:** A resolution to approve a budget adjustment of \$1,154.00 to fund a city-wide 2012 Employee Compensation adjustment.

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
March 6, 2012**

A meeting of the Fayetteville City Council will be held on March 6, 2012 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. 4th Quarter Financial Report 2011, Paul Becker, Finance Director

Agenda Additions:

A. Consent:

1. Approval of the February 21, 2012 City Council meeting minutes.
2. **Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area:** A resolution approving a budget adjustment in the amount of \$98,808.00 recognizing revenue from the Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area.

3. **Water and Sewer Relocation AHTD-Utility Agreement:** A resolution approving a contract with the Arkansas State Highway and Transportation Commission regarding utility construction and relocation of water and sewer utilities related to the Highway 112 Spur (Garland Avenue) Widening and Improvement Project.
4. **Garver, LLC:** A resolution approving a contract with Garver, LLC in an amount not to exceed \$40,000.00 for professional engineering services related to the renovation of the Wilson Park swimming pool deck and interior.
5. **4248 S. School Ave. Hangar Improvements:** A resolution awarding Bid #12-22 and authorizing a contract with Pick-It Construction, Inc. in the amount of \$235,100.00 for construction of alterations and improvements to the hangar at 4248 S. School Avenue, approving a project contingency of \$16,750.00, recognizing and accepting grant revenue from the Arkansas Department of Aeronautics to partially fund the project, and approving a budget adjustment.
6. **City of Elkins Cost-Share Agreement:** A resolution approving a cost-sharing agreement with the City of Elkins in an amount not to exceed \$150,000.00 for replacement and improvements of the Elkins Outfall Sewer Line.
7. **Rosetta Construction, LLC:** A resolution to approve a construction contract with Rosetta Construction, LLC for \$692,223.00 with a contingency of \$50,000.00 to construct the Elkins Outfall Gravity Sewer Improvements and to approve the attached budget adjustment of \$416,818.00.
8. **Off Street Parking Development District No. 1 Appointment:** A resolution to approve the appointment of James A. Williams, Jr. to the Board of Improvement of the Downtown Off Street Parking Development District No. 1 of the City of Fayetteville.

B. Unfinished Business:

1. **Amend Chapter 151 Definition of “Family”:** An ordinance to amend the definition of “Family” found in Chapter 151 Definitions of the Unified Development Code to allow the City Council to authorize up to five (5) unrelated persons in some units of a Planned Zoning District. *This ordinance was left on the First Reading at the February 7, 2012 City Council meeting. This ordinance was left on the Second Reading at the February 21, 2012 City Council meeting.*

Left on the Second Reading

C. Public Hearing:

1. **Garland Avenue Water and Sewer Relocation Project:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Glen David Wilson Trust & Linda Kay Hinkle, Caren E. & Richard L. Hanna, Bob L. & Wilma B. Bonds, Margot Khavinson, Remington C. Hendrix, Spirits Shop, Inc., and Donald W. & Brenda Sue Johnston needed for water and sewer relocations along N. Garland Avenue, and approving a budget adjustment.

D. New Business:

- 1. RZN 12-4024 (1934 E. Huntsville Rd./Stiles):** An ordinance rezoning that property described in rezoning petition RZN 12-4024, for approximately 0.4 acres, located at 1934 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre to NS, Neighborhood Services.
- 2. Amend §114.03 First Thursday Fayetteville:** An ordinance to amend §114.03 First Thursday Fayetteville to close all streets around the square from 4:00 p.m. to 10:00 p.m. during First Thursday and to give control of all parking around the square (both inside and outside) to the Fayetteville Convention and Visitors Bureau during First Thursday.
- 3. Bid #12-15 B&A Property Maintenance:** A resolution awarding Bid #12-15 and authorizing a contract with B&A Property Maintenance in a total amount of \$225,713.00 for the maintenance of trees, and approving a five percent (5%) project contingency.
- 4. Employee Compensation Adjustment:** A resolution to approve a budget adjustment of \$1,154,000.00 to fund a city-wide 2012 employee compensation adjustment.

City Council Tour:

Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the **Rules of Order and Procedure of the Fayetteville City Council** pertaining to City Council meetings:

- (a) **Agenda additions.** A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.
- (b) **Consent Agenda.** Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.
- (c) **Old business and new business.**
 - (i) **Presentations by staff and applicants.** Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aides in a City Council meeting as part of their presentation.
 - (ii) **Public comments.** Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.
- (d) **Courtesy and respect.** All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

A copy of the complete City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

City of Fayetteville Staff Review Form

A. 5
4248 S. School Ave.
Hangar Improvements
Page 1 of 28

Additional Information
handed out at Agenda
Session 2/28/12

City Council Agenda Items
and
Contracts, Leases or Agreements

3/6/2012

City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux

Submitted By

Aviation

Division

Transportation

Department

Action Required:

Action Required: A Resolution to approve a Construction Contract with Pick-It Construction Inc in the amount of \$235,100.00 for construction of alterations and improvements to the hangar at 4248 S School Ave for the purpose of making the building suitable for an aviation business relocating to Fayetteville. Approval of a Budget Adjustment increasing the project budget, including a project contingency amount of \$16,750.00 and recognizing grant revenue from the AR Dept of Aeronautics.

\$ 252,850.00

Cost of this request

\$ 27,150.00

Category / Project Budget

Airport Hangar Rehabilitation

Program Category / Project Name

5550.3960.5804.00

Account Number

\$ 27,150.00

Funds Used to Date

Capital

Program / Project Category Name

12002 2012

Project Number

\$ -

Remaining Balance

Airport

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

[Signature]
Department Director

2-27-12

Date

Previous Ordinance or Resolution #

12-12, 13-12

Original Contract Date:

City Attorney

2-27-12

Date

Original Contract Number:

[Signature]
Finance and Internal Services Director

2-28-2012

Date

Received in City 02-27-12 P04:14 RCVD
Clerk's Office

[Signature]

Chief of Staff

2-28-12

Date

Received in
Mayor's Office

ENTERED
2/28/12
[Signature]

Mayor

2/28/12

Date

Comments: Grant application to be submitted for approval at the March 14, 2012 meeting of the Arkansas Aeronautics Commission.



AVIATION DIVISION
FAYETTEVILLE EXECUTIVE AIRPORT • DRAKE FIELD

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor Jordan

THRU: Chief of Staff

THRU: Staff/Contract Review Committee

THRU: Terry Gulley, Transportation Director

FROM: Ray M. Boudreaux, Aviation Director

DATE: February 27, 2012

SUBJECT: Approve Contract for Hangar Remodel Project to Pick-It Construction Inc. in the amount of \$235,100.00 and a contingency in the amount of \$16,750.00. Approve a Budget Adjustment.

RECOMMENDATION: Approve contract with Pick-It Construction, Inc. in the amount of \$235,100 and a contingency in the amount of \$16,750 the Hangar Remodel Project for South Delta Aviation and a Budget Adjustment. Signature of the Mayor.

BACKGROUND: South Delta Aviation has applied to lease the former AATC School Hangar for its business which is the purchase and resale of aircraft. The company has been in business for 30 years in West Helena Arkansas and is moving to Fayetteville. They have asked to occupy the building June 1, 2012 and will pay the Airport \$3,000.00 per month rent. They have signed the lease and are ready to move in on the 1st of June. Bids were opened on February 27, 2012 and the low bid was within the estimated cost of the project provided by McClelland Consulting Engineers and Wittenberg, Delony and Davidson Architects. We ask that the City Council consider this item at the March 6, 2012 meeting so that, if approved, the project can be awarded at the Arkansas Aeronautics meeting of March 14 when the grant application will be considered. This will allow the contractor enough time to get the required work done before the scheduled move in date. The City Council approved a grant application for the project at \$280,000.00 total with grant proceeds of \$224,000.00. The 80/20 grant application has been submitted to the State Aeronautics Department for action by the Aeronautics Commission at their March 14th meeting.

BUDGET IMPACT: The project is estimated to cost \$280,000.00 with \$224,000 in grant revenue from the Arkansas Aeronautics Commission leaving \$56,000.00 from the Airport Fund Balance. Should we not need the contingency fund the project total will be \$263,250 with a total expense to the Airport Fund of \$52,650.00.

Attachments: Staff Review
Bid Tab
Bid from Pick-It Construction
Contract with Pick-It Construction Inc.
Budget Adjustment

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #12-22 AND AUTHORIZING A CONTRACT WITH PICK-IT CONSTRUCTION, INC. IN THE AMOUNT OF \$235,100.00 FOR CONSTRUCTION OF ALTERATIONS AND IMPROVEMENTS TO THE HANGAR AT 4248 S. SCHOOL AVENUE, APPROVING A PROJECT CONTINGENCY OF \$16,750.00, RECOGNIZING AND ACCEPTING GRANT REVENUE FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS TO PARTIALLY FUND THE PROJECT, AND APPROVING A BUDGET ADJUSTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #12-22 and authorizes a contract with Pick-It Construction, Inc. in the amount of \$235,100.00 for construction of alterations and improvements to the hangar at 4248 S. School Avenue and approves a project contingency of \$16,750.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby recognizes and accepts a grant from the Arkansas Department of Aeronautics to partially fund the project.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

PASSED and APPROVED this 6th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



BID: 12-22
DATE: 02/27/11
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 12-22, Construction - Drake Field Hangar Rehab

BIDDER	TOTAL COST
1 Boulder Construction, Inc.	\$278,024.00
2 Heckathorn Construction Company, Inc.	\$260,227.00
3 Joe Perme Construction	\$236,400.00
4 Pick-It Construction, Inc.	\$235,100.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED:

P. Vice
P. VICE, PURCH MGR

Julie Paladino
WITNESS

02/27/2012
DATE

CONTRACT

Reference Bid: 12-22, Construction – Drake Field Hangar Improvements

Contractor: Pick-It Construction Inc.

Term: Specific Project Only – No Revolving Terms

This contract executed this _____ day of _____, 2012, between the **City of Fayetteville, Arkansas**, and **Pick-It Construction Inc.** In consideration of the mutual covenants contained herein, the parties agree as follows:

1. **Pick-It Construction Inc** at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 11-47 as stated in **Pick-It Construction Inc's** bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 12-22.
2. The City of Fayetteville shall pay **Pick-It Construction Inc** for work as described in Bid 12-22, not to exceed **\$235,100.00**, based on **Pick-It Construction Inc** submitted bid. Payments will be made after approval and acceptance of work, and submission of detailed invoice. Payments will be made within a maximum 30 days after acceptance of invoice. **Pick-It Construction Inc** agrees to make detailed invoicing related documentation available to the City.
3. The Contract documents which comprise this contract between the City of Fayetteville and **Pick-It Construction Inc** consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 11-54 with the specifications and conditions typed thereon.
 - B. **Pick-It Construction Inc** bid proposal, including mark up on materials and hourly rates.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and **Pick-It Construction Inc** and may be modified only by a duly executed written instrument signed by the City of Fayetteville and **Pick-It Construction Inc**.
5. **Pick-It Construction Inc** shall not assign its duties under the terms of this agreement.
6. **Pick-It Construction Inc** agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. **Pick-It Construction Inc** shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, **Pick-It Construction Inc** shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

Bodily Injury Liability

\$500,000 for each person injured.
\$1,000,000 for each accident.

Property Damage Liability

\$1,000,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by **Pick-It Construction Inc**

8. **Pick-It Construction Inc** shall furnish proof of licensure as required by all federal, state, and local agencies.
9. This contract may be terminated without penalty by the City of Fayetteville or **Pick-It Construction Inc** with 30 days written notice.
10. **Freedom of Information Act:** City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo copying costs pursuant to the FOIA may be assessed for this compliance.
11. **Changes in Scope or Price:** Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____

LIONELD JORDAN, Mayor

Printed Contractor Name & Title

ATTEST:

ATTEST:

Company Secretary

Sondra Smith, City Clerk

Business Address

Date Signed: _____

City, State & Zip Code

Date Signed: _____

Sub Project Maintenance Form

Sub Project Request: New SubProject
Project Number : 12002
Sub Project Number : 2012
Sub Project Title (40 char) : Hanger Rehab 28 Char Le
Sub Project Abbv (15 char) : Hanger Rehab 3 Char Left
Sub Project Status : Pending
Sub Project Division : Aviation
Scheduled Start Date : <= Double Click Date Cells
Scheduled Ending Date : <= Double Click Date Cells
Actual Start Date : <= Double Click Date Cells
Actual Ending Date : <= Double Click Date Cells

GLACCOUNT#	Account Description	Need Setup	Add/Delete	Add to PCARD
5550.3960.5314.00	Professional services		Add	N/A
5550.3960.5804.00	Building costs		Add	
5550.3960.5301.00	Public notification		Add	
5550.0955.6805.00	State grants		Add	
5550.0955.4999.97	Use of Prior Fund Balance		Add	

Description/Justification of Request

This project is requested for the design and rehabilitation of the former AATC Hanger Building at Drake Field. Preliminary engineering and design work will be completed to develop an estimated project cost. Approval to submit a grant application to the State Aeronautics Commission for an 80/20 grant has been requested and if awarded will provide funding to complete the hanger rehab project.

J Nicholson

Requested By

Entered By

City of Fayetteville
Bid 12-22, Construction – Drake Field Hangar Rehab
Bid Form

Proposal of:

Pick-It Construction, Inc.
(hereinafter called "Bidder"): (Complete the Following and Strike Out Inapplicable Items)

1. A Arkansas Corporation,
2. A Partnership, or
3. An Individual doing business as _____

Submitted To: City of Fayetteville, Arkansas

Bidder, in compliance with bid solicitation for renovation and construction at the **Fayetteville Executive Airport, Drake Remodeling of the Multi-Purpose (Brown) Hangar Building** having examined plans and specifications with related documents and site of the proposed Work, and being familiar with all local jurisdictions and conditions surrounding proposed project, including availability of materials and labor, hereby proposes to furnish labor, materials, and supplies, and construct project in accordance with Contract Documents, within time set forth therein, and at prices stated below. Prices are to cover all expenses incurred in performing Work required under Contract Documents, of which this proposal is a part.

Bidder acknowledges receipt of the following addenda:

Addendum No. 1 Date: 2/16/12
Addendum No. 2 Date: 2/22/12
Addendum No. 3 Date: 2/23/12
Addendum No. _____ Date: _____

BASE BID

Bidder agrees to perform all Work described in the Project Manual and shown on the Drawings for the sum of:

Two-hundred thirty-five thousand one-hundred Dollars and cents
Amount written in words

\$ 235,100.00
Amount written in numbers

**SUBMIT THIS PAGE
WITH BID**

BID CONDITIONS

Bidder understands that Owner reserves right to reject any or all bids and to waive any informalities in the bidding. Bidder agrees bid shall be good and may not be withdrawn for period of ninety (90) days after scheduled closing time for receiving bids. Upon receipt of written notice of acceptance of bid, Bidder will execute formal contract within ten (10) days and deliver Surety Bond or Bonds as required by Document 00600. Bid security attached in amount of 5% of base bid is to become property of Owner in event above contract and bond are not executed within time set forth above as liquidated damages and additional expenses to Owner.

By: Nathan Ogden
(Typed Name)

Date: 2/24/2012

[Signature]
(Signature)

Contractor License No. 0140461212

President
(Title)

10024 W. Campbell Rd.
(Business Address)

Fayetteville, Arkansas 72701

(Seal - If bid is by a Corporation)

END OF BID FORM

**SUBMIT THIS PAGE
WITH BID**

City of Fayetteville
Bid 12-22, Construction – Drake Field Hangar Rehab
Vendor References

The following information is required from all Bidders so all bids may be reviewed and properly evaluated.

COMPANY NAME: Pick-It Construction, Inc.

BUSINESS ADDRESS: 10024 N. Campbell Rd. Fayetteville, Ar. 72701

NUMBER OF YEARS IN BUSINESS: _____ HOW LONG IN PRESENT LOCATION: _____

TOTAL NUMBER OF CURRENT EMPLOYEES: 5 FULL TIME 1 PART TIME

NUMBER OF EMPLOYEES YOU PLAN TO USE TO SERVICE THIS CONTRACT: 2 FULL TIME _____ PART TIME

PLEASE LIST LOCAL COMMERCIAL AND/OR GOVERNMENTAL REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed):

1. Fayetteville Parks and Recreation
COMPANY NAME

113 W. Mountain Fayetteville, Ar. 72701
CITY, STATE, ZIP

Byron Humphry
CONTACT PERSON

479-575-8368
TELEPHONE

60% Complete 2/23/2012
DATE COMPLETED

bhumphry@ci.fayetteville.ar.us
E-MAIL ADDRESS

2. City of Centerton Arkansas
COMPANY NAME

Centerton, Arkansas.
CITY, STATE, ZIP

Jeff Coffelt
CONTACT PERSON

479-795-0222
TELEPHONE

2/1/2011
DATE COMPLETED

N/A
E-MAIL ADDRESS

3. Arkansas Athletes Outreach
COMPANY NAME

1515 Burr Oak Dr. Fayetteville, Ar.
CITY, STATE, ZIP 72704

Brad Freiss
CONTACT PERSON

479-409-8429 479-442-9979
TELEPHONE

9/5/2011
DATE COMPLETED

Brad@990team.org
E-MAIL ADDRESS

4. Boston Mountain Solid Waste
COMPANY NAME

11398 Bond Rd. Prairie Grove, Ar.
CITY, STATE, ZIP

Maylan Rice
CONTACT PERSON

479-387-5494
TELEPHONE

2/20/2012
DATE COMPLETED

N/A
E-MAIL ADDRESS

**SUBMIT THIS PAGE
WITH BID**

City of Fayetteville
Bid 12-22, Construction – Drake Field Hangar Rehab
Debarment Certification Form – **THIS FORM SHOULD BE SUBMITTED WITH ALL BIDS**

As A BIDDER on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

Debarment:

Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

Your signature certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME: Nathan Ogden
COMPANY: Pick-IT Construction, Inc.
PHYSICAL ADDRESS: 10024 N. Campbell Rd. Fayetteville, Ar. 72701
MAILING ADDRESS: 10024 N. Campbell Rd. Fayetteville, Ar. 72701
PHONE: 479-973-5109 FAX: 479-571-3672
EMAIL: Nathan@pickitconstruction.com
SIGNATURE: _____
DATE: 2/24/2012

NOTICE:

CAUSE: Debarment by an agency pursuant to FAR 9.406-2, GPO Instructions 110.11A, or PS Publication 41, for one or more of the following causes (a) conviction of or civil judgment for fraud violation of antitrust laws, embezzlement, theft, forgery, bribery, false statements, or other offenses indicating a lack of business integrity; (b) violation of the terms of a Government contract, such as a willful failure to perform in accordance with its terms or a history of failure to perform; or (c) any other cause of a serious and compelling nature affecting responsibility. (See Code N- Debarment pursuant to FAR 9.406 2(b)(2) Drug Free Workplace Act of 1988.)

TREATMENT: Contractors are excluded from receiving contracts, and agencies shall not solicit offers from, award contracts to renew or otherwise extend the duration of current contracts, or consent to subcontracts with these contractors, unless the City determines that there is a compelling reason for such action. Government prime contractors, when required by the terms of their contract, shall not enter into any subcontract equal to or in excess of \$25,000 with a contractor that is debarred, suspended, or proposed for debarment, unless there is a compelling reason to do so. Debarments are for a specified term as determined by the debarring agency and as indicated in the listing.

**SUBMIT THIS PAGE
WITH BID**

City of Fayetteville
Bid 12-22, Construction – Drake Field Hangar Rehab
Statement of Disclosure – To Be Submitted With ALL Bids

This page does not count towards page limitations set forth in this request for proposal or bid.

Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Your response must disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official.

If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

X 1.) NO KNOWN RELATIONSHIP EXISTS

_____ 2.) RELATIONSHIP EXISTS (Please explain)

PLEASE FILL OUT THE SECTION BELOW AND SUBMIT THIS FORM WITH YOUR BID OR PROPOSAL:

- 1.) I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and
- 2.) My organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

Nathan Ogden
Printed Name

[Signature]
Signature

2/24/2012
Date

**SUBMIT THIS PAGE
WITH BID**

License No. 0140461212

ID #17368

State of Arkansas
Contractors Licensing Board

PICK-IT CONSTRUCTION, INC.
10024 N CAMPBELL RD
FAYETTEVILLE, AR 72701

PICK-IT CONSTRUCTION, INC.

This is to Certify That _____

is duly licensed under the provisions of Act 150 of the 1965 Acts as amended
and is entitled to practice Contracting in the State of Arkansas within the
following classification:

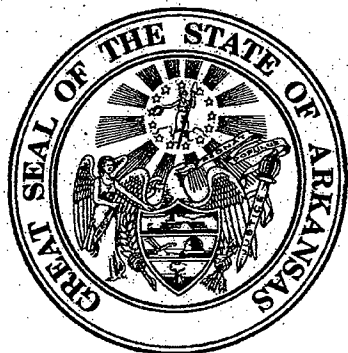
BUILDING
- (COMMERCIAL & RESIDENTIAL)

with the following suggested bid limit Unlimited

from February 10, 2012 until December 31, 2012

when this Certificate expires.

Witness our hands of the Board, dated at North Little Rock, Arkansas:



John C. Russell

CHAIRMAN

W. Dan Wright

SECRETARY

February 10, 2012

LISTING OF SUBCONTRACTORS

I, the undersigned General Contractor, certify that proposals from the following subcontractors were used in the preparation of my proposal. I agree that if I am the successful bidder, and if the following subcontractors are approved by the City, I will not enter into contracts with others for these divisions of the Work without written approval from the City.

MECHANICAL: ADVANTAGE AIR
Name License Number if work is over \$20,000.00

PLUMBING: TOWN & COUNTRY
Name License Number if work is over \$20,000.00

ELECTRICAL: HILL ELECTRIC
Name License Number if work is over \$20,000.00

OVERHEAD DOOR: PICK-IT Construction, Inc 0140461212
Name License Number if work is over \$20,000.00

**SUBMIT THIS PAGE
WITH BID**



Project Check List

Bid 12-22, Construction – Drake Field Hangar Rehab

This checklist is for the Bidder's use in preparing & submitting a bid. It is not intended to include all details necessary to prepare a bid and shall not be used as a substitute for the requirements of the bid documents. Information is shown below only as a matter of convenience. Use of this checklist does not relieve the Bidder from the responsibility of meeting all requirements of the Specifications concerning the preparation of an acceptable bid. Bidders are welcome to use this form as a coversheet for a sealed envelope; however, using this form itself is NOT a requirement.

☒ 5% Bid Bond of the amount bid accompanied by required documentation (Power of Attorney, etc.)

- In lieu of a bid bond, the bidder may submit a cashier's check for at least five percent (5%) of the amount bid (inclusive of any deductive alternates) from a bank located in the State of Arkansas. Cashiers checks shall be made payable to the City of Fayetteville, AR.

☒ All addenda shall be signed, acknowledged, and submitted on the appropriate forms (submitting the actual addendums or marking acknowledgement on other bid pages).

☐ All line items shall be appropriately filled out and extended to reveal the line item price as well as the total bid price. Total base bid should be calculated in the provided space.

☒ All bidders shall submit the following forms with each bid: Bid Form, any Addenda, Vendor References, Debarment Certification Form, & Statement of Disclosure.

☒ All pages provided with signature lines shall be appropriately signed, dated accordingly, and included with submitted bid documents

☐ All bid documents shall be delivered in a sealed envelope to the address listed below before the stated deadline on the coversheet of the bid. All bids should be delivered with the name of the bidder (contractor) on the sealed envelope as well as the bidders Arkansas Contractors License Number.

City of Fayetteville, AR
Purchasing Division – Suite 306
113 W. Mountain
Fayetteville, AR 72702

CONTRACTOR NAME:

Pick-It Construction, Inc.

ARKANSAS CONTRACTORS LICENSE NUMBER:

0140461212

**SUBMIT THIS PAGE
WITH BID**

Bid 12-22, Addendum 1



Date: Thursday, February 16, 2012

To: All Prospective Vendors

From: Andrea Foren Rasco, CPPB, CPPO, 479.575.8220, aforen@ci.fayetteville.ar.us

RE: Bid 12-22, Construction – Drake Field Hangar Rehab

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Bid Form. Failure to do so may subject bidder to disqualification. Addendum should be attached to the inside cover of the bidding documents, signed, and dated.

• **Bid 12-22, has the following modifications and clarifications:**

- 1.) The deadline to submit a bid for this project has been **extended until Friday, February 24, 2012 before 3:00 PM, local time**. All bids shall be turned in to the City of Fayetteville, Purchasing Division, Room 306 in City Hall, 113 W. Mountain, Fayetteville, AR 72701.
- 2.) A non-mandatory pre-bid meeting has been scheduled for **Tuesday, February 21, 2012 at 10:00 AM, local time** at Drake Field, Fayetteville Executive Airport, located at 4500 S. School Ave, Fayetteville, AR 72701.
- 3.) The City anticipates issuing a Notice of Award on Wednesday, March 07, 2012 (so that contractor may order materials). Notice to Proceed will be issued immediately after Contractor has approved final performance and payment bonds submitted to the City of Fayetteville.
- 4.) Substantial completion date is June 01, 2012 for the office area. Final completion for this project is Friday, June 15, 2012.
- 5.) Liquidated damages shall apply in the amount \$120 per day for every day the project is not completed after Friday, June 15, 2012.

Acknowledge Addendum #1:

Printed Name: NATHAN OGDEN

Signature: [Handwritten Signature]

Title: PRESIDENT Date: 2/27/12

Company: PICK-IT CONSTRUCTION, INC.

Bid 12-22, Addendum 2



Date: Wednesday, February 22, 2012

To: All Prospective Vendors

From: Andrea Foren Rasco, CPPB, CPPO, 479.575.8220, aforen@ci.fayetteville.ar.us

RE: Bid 12-22, Construction – Drake Field Hangar Rehab

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Bid Form. Failure to do so may subject bidder to disqualification. Addendum should be attached to the inside cover of the bidding documents, signed, and dated.

• **Bid 12-22, has the following modifications and clarifications:**

- 1.) The deadline to submit a bid for this project has been **extended until Monday, February 27, 2012 before 2:00 PM, local time**. All bids shall be turned in to the City of Fayetteville, Purchasing Division, Room 306 in City Hall, 113 W. Mountain, Fayetteville, AR 72701.
- 2.) Refer to the Drawings, Sheet SP-06. Delete Section 09675 in its entirety. There will be no seamless epoxy flooring in this project.
- 3.) Refer to the Drawings, Sheet SP-07. Add the following clarification to Section 09680, Part 2.01 Products: Replacement carpet shall be or equal to Mannington, Biglow or J+J Invision - 100% Type 6,6 nylon broadloom with minimum 22 oz. per square yard face weight and 1/10 gauge and be solution dyed. Use backing shall be or equal to Mannington "Integra HP-RE". Provide broadloom carpet in glue-down installation per the manufacturer's written requirements. Prepare substrate floor as need to receive carpet per manufacture's written requirements and installation procedures. Delete specific references to carpet tiles as mentioned in Parts 2.01-A & B and delete specific reference to Shaw carpet in Part 2.01-C.
- 4.) Refer to Drawings A1.2 Carpet shall be replaced in room 208 in addition to other locations previously designated on Drawings. Notes 11, 12 & 13 apply to room 208.
- 5.) Refer to Drawings, Sheet D1.1, D1.2, A1.1 and A1.2. Add the following clarification to Note 14. Replace all existing VCT flooring with new VCT. Color to be as selected by City from the manufacturer's standard color line. Typical in rooms 109, 110 & 115.
- 6.) Refer to Drawings, Sheet SP-04. Clarification to Section 08350. Section title shall read: "Horizontal Sliding Hanger Door Rehabilitation" (not Roll-Up).
- 7.) Refer to Sheet A1.1. Add the following clarification to Note 20: The horizontal door vendor/sub-contractor shall examine existing conditions at the hanger site and determine the full scope of work required to renovate the existing 340 ft. tall doors including modifications needed to provide opened and closing of doors by means of electric motor control. Provide work to include (but may not be limited to) installation of new weather-stripping & seals on all side and locations of doors sealing doors to building, repair/replacement of hanger hardware, overhead tracks/accessories and the

repair/replacement of lower wheels, bearings, mounting hardware and base track. Work will include modification and adjustments to concrete and concrete installed track foundations as required to support the renovated door panels and alterations to the door panels as required for installation of the new motor drive and controls. Work will include 240V 3-phase, 20 amp, electrical service to properly operate renovated doors. The General Contractor (G.C.) and Vendor/Sub-Contractor shall jointly ensure that the renovated doors will operate properly after renovation/retro-fit is complete. *See attached "Electric Door Operator" specification.

- 8.) Refer to Drawings, Sheet A1.1. Add the following clarification to Note 21: In addition to work already described, replace the lower 10.5 feet (minimum or to the nearest appropriate girt attachment location) of existing vertical metal panels on the exterior side of all hanger door (total of ten doors) with new pre-finished metal panels in color selected by owner from manufacturer's standard series of Kynar painted colors. New panel profile selection to match, as closely as possible to the shapes and profiles of existing panels. Fasten new panels to existing framing & girts as required making weather tight barrier to the exterior. Provide all pre-finished metal trim and flashing as needed and required to complete door panel installation. Provide trim around existing man-door and other locations as required so that operation of original door is maintained. G.C. to field-verify existing door dimensions and conditions and shall coordinate with hanger door rehabilitation sub-contractor regarding retro-fit of new panels. It is expected that the completed door panel retro-fit shall yield a uniform appearance in color & panel profile and be installed such that there is a constant elevation at the top of the new panels after attachment to the existing hanger doors as seen from the exterior. The upper 20 feet of each door shall retain the original panel material and shall not be changed except where new trim or flashing is required (e.g., at panel splices) in conjunction with installation/interface of new panels. A minimum of six (6) removed panel sections shall be salvaged and returned to the City.
- 9.) Refer to Drawings, Sheet A1.1. Add the following clarification to Note 21. In addition to work already described; Provide new full-height pre-finished metal liner panels at the interior side of the existing north hanger doors and new panels on the lower portion of the existing south hangar doors. Provide new full-height pre-finished metal liner panels at the interior side of the existing north "door pocket" beside the north hanger doors.
- 10.) Refer to Drawings, Sheet A1.1. Note 30 has been revised to read as follows: "Clean floors and walls in building as required to rid all spaces of *existing organic debris*, including animal waste, animal remains or other evidence of pest intrusion. The G.C. shall remove from site all waste material leftover from existing materials, demolition and new construction and shall coordinate with City regarding the use of City of Fayetteville dumpster services for waste collection. Commercial dumpster rates for a 40 yard container are currently \$240 per load. Contractors can contact the City of Fayetteville, Solid Waste and Recycling Division at 479-575-8398 for more information on commercial rates.
- 11.) Refer to Drawings, Sheet D1.1 & A1.1. Add the following clarification. The existing HVAC condensers at the north side of the hanger building shall remain in place and continue to operate. Care must be made to cut out & demolish selected portions of the adjacent sidewalk for concrete replacement as described in Note 3 of Drawings and not damage the existing mechanical equipment. The G.C. shall provide appropriate means to protect the building and HVAC equipment during sidewalk repair and replacement. The existing HVAC equipment & associated exterior ductwork located beside the NE fire escape stair shall remain in place; it is apparent that these units serve the parts of the hanger interior that will be demolished. The G.C. shall field verify HVAC operation and cap interior ductwork as required to seal openings to exterior for ductwork supplied to demolition areas and no longer needed – coordinate termination of service with City & mechanical engineer of record prior to work. The GC and the HVAC Sub-Contractor. shall test and balance the systems after renovation.

- 12.) Refer to Drawings, Sheet SP-01. Add the following clarification: All portions of the work will be covered by the General Contractors standard one-year construction warranty including the re-installation or re-use of salvaged equipment or building components. Extended warranties, as normally required on such items as fixtures or similar salvaged or re-used components, will not apply to the reuse of existing material, components, equipment, fixtures or components salvaged and reclaimed from the original building or during the demolition process.
- 13.) Refer to Drawings, Sheet D1.1. Add the following clarification to Notes 5 & 8. During construction, the existing fire suppression system may be taken "off-line" temporarily in order to reconfigure/modify the existing fire protection system as needed to serve the renovated building. The G.C. shall coordinate with the fire protection sub-contractor and the City of Fayetteville Fire Marshal to ensure that all City and State safety requirements will be implemented during the "off-line" (temporary interruption of fire protection) period. G.C. shall contact the City of Fayetteville Fire Marshall or designated assigns and obtain necessary permits and/or authorization to temporarily disable fire protection to building prior to work.
- 14.) All concrete specified shall be 3000 PSI air entrained concrete.
- 15.) Budget range for this project is approximately \$240,000.
- 16.) After contract award, contractor shall provide builder's risk insurance in the amount of \$1,000,000.00 along with other insurance as specified in the bid documents.
- 17.) Refer to the Drawings, Sheet A1.1. Add the following clarification: Remove existing rubber base and wood base in office areas and install new 4 inch rubber cove base in all office areas (hallways, old & new restrooms, break-rooms and offices. – exclude mechanical closets and ramp to north exit door). Do not install wood base as described on Note 13. **Exception:** Existing wood base shall remain at interior stair and beside ramp at west entry. Paint wood base brown or color as selected by owner.
- 18.) Attached is the sign-in sheet from the pre-bid meeting held on Tuesday, February 21, 2012.
- 19.) Included with this Addendum is an added specification for the hangar door operator equipment.

Acknowledge Addendum #2:	
Printed Name:	<u>MAYAN OGDEN</u>
Signature:	<u>[Signature]</u>
Title:	<u>PRESIDENT</u>
Date:	<u>2/27/12</u>
Company:	<u>PICK-IT CONSTRUCTION, INC.</u>

SPECIFICATION

ELECTRIC DOOR OPERATOR

- 1) **Drive System:** Designed to move powered leaf at a minimum speed of 45 feet per minute at zero wind load conditions, operable at full speed to and including a maximum wind load of eight (8) pounds per square foot.
- 2) **Drive Unit:** Unitized assembly, consisting of a total enclosed fan cooled motor, right angle helical-bevel gearbox, emergency disconnect, integral holding brake and necessary roller chain and sprockets.
- 3) **Motor:** Single speed, squirrel cage type of sufficient size to operate the leaves at no more than 75 percent of rated capacity.
- 4) **Drive Base:** Drive base to be adjustable and be design to rigidly support drive components without deflection or torsional rotation under operating loads.
- 5) **Control Panel:** Control panel will have a main lockable disconnect switch, 24v DC power supply for the control circuit, circuit breakers, numbered terminal, surge arrestors, line reactors and relays.
- 6) **Variable Frequency Drive:** (VFD) shall produce an adjustable- frequency, adjustable-voltage, Pulse With Modulated (PWM) three phase, 480v, sine wave output when powered from a three-phase, 480v sine wave output when powered from a three-phase, 480v 60Hz input. The drive shall be suitable for use with NEMA Design B, ac induction motors with a 1.25 service factor.
- 7) **Limit Switches:** Polarized reflex sensors which have both a light source and detector in the same unit. The sensors feature visible red sources to aid in alignment of the sensor with its retro-reflector.
- 8) **PLC or Smart Relay:** A programmable relay which will allow the hangar doors to start from a full closed position and run at half speed for 2.5 feet, then ramp up to full speed. At 2.5 feet from full open position, doors are to ramp down and run at half speed before stopping.
- 9) **Warning System:** A horn with a volume of not less than 90db to be installed on the powered leaf of the door system. A xenon strobe light also to be provided. The warning system will activate for three (3) second before moment of the doors and will sound while doors are being operated.
- 10) **Control Panel Enclosure:** All control panels shall be NEMA 12 or better.

- 11) **Interlock Switches:** Pass door to be interlocked with the drive door. If pass door is open or ajar the drive will not function. If pass door is open or ajar, a (yellow) indicating light will be lit on the control panel.
- 12) **Push-button Stations:** Interior station shall be NEMA 12, exterior stations to be NEMA 4X
- 13) **Push-buttons:** To be constant pressure type, mushroom head, NEMA 4X.
- 14) **Electrical Feed:** An overhead feed rail system (Trolley Duct) or S.O. Wire will bring power to the drive door.
- 15) **Electrical Service:** To be Three-phase power.
- 16) **Leading Edge Stopping Device:** Provide manufacturer's leading edge stopping device. To stop leading doors upon encountering an obstacle.

Bid 12-22, Addendum 3



Date: Thursday, February 23, 2012

To: All Prospective Vendors

From: Andrea Foren Rasco, CPPB, CPPO, 479.575.8220, aforen@ci.fayetteville.ar.us

RE: Bid 12-22, Construction – Drake Field Hangar Rehab

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Bid Form. Failure to do so may subject bidder to disqualification. Addendum should be attached to the inside cover of the bidding documents, signed, and dated.

- **Bid 12-22, has the following modifications and clarifications:**

- 1.) Revise Item 14, Addendum 2: All concrete specified shall be 3500 PSI air entrained concrete.

Acknowledge Addendum #3:

Printed Name: Natasha O'Brien

Signature: [Signature]

Title: President Date: 2/27/12

Company: Pace Construction, Inc

THE AMERICAN INSTITUTE OF ARCHITECTS



AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we Pick-It Construction, Inc.
(Here insert full name and address or legal title of Contractor)

10024 N Campbell Road, Fayetteville, AR 72701

as Principal, hereinafter called the Principal, and American Safety Casualty Insurance Company
(Here insert full name and address or legal title of Surety)

100 Galleria Parkway SE, Suite 700, Atlanta, GA 30339

a corporation duly organized under the laws of the State of OK as Surety, hereinafter called the Surety, are held and firmly bound unto

(Here insert full name and address or legal title of Owner)

City of Fayetteville Arkansas, 113 W Mountain Fayetteville, AR 72701

as Obligee, hereinafter called Obligee, in the sum of (5%MAB) Percent of total amount bid
Dollars (\$ 5% MAB Percent of attached bid).

For the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

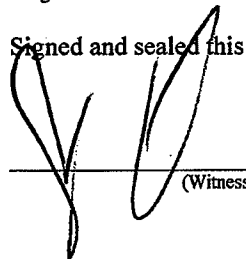
WHEREAS, the Principal has submitted a bid for Project No.: 12-22
(Here insert full name, address, and description of project)

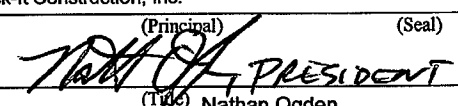
Drake Field Hangar Remodel and Tenant Improvements, City of Fayetteville, Arkansas

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

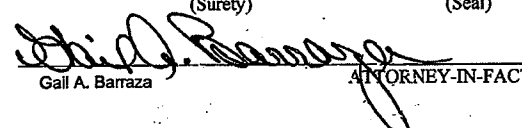
Signed and sealed this 20th

day of February, 20 12


(Witness)

Pick-It Construction, Inc.
(Principal) (Seal)

(100) Nathan Ogden


(Witness)

American Safety Casualty Insurance Company
(Surety) (Seal)

Gail A. Barraza ATTORNEY-IN-FACT



NUMBER
OKC615189

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that American Safety Casualty Insurance Company has made, constituted and appointed, and by these presents does make, constitute and appoints

Mason Grashot, Ami Ashmore, Gail Barraza of Little Rock, AR

its true and lawful attorney-in-fact, for it and its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertaking and contracts of suretyship to be given to

ALL OBLIGEEES

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

*** TWO MILLION*** (\$2,000,000.00) DOLLARS***

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company of the 6th day of August, 2009

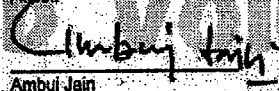
RESOLVED, that the President in conjunction with the Secretary or any Assistant Secretary may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company, to execute and deliver and affix the seal of the Company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any power of attorney previously granted to such persons.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the company when:
(i) when signed by the President or any Vice-President and attested and sealed (if a seal is required) by any Secretary or Assistant Secretary or (ii) when signed by the President or any Vice-President or Secretary or Assistant Secretary, and counter-signed and sealed (if a seal is required) by a duly authorized attorney-in-fact or agent or (iii) when duly executed and sealed (if a seal is required) by one or more attorney-in-fact or agents pursuant to and within the limits of the authority evidenced by the power of attorney issued by the Company to such person or persons.

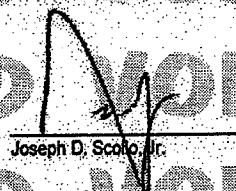
RESOLVED FURTHER, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company; and such signature and seal when so used shall have the same force and effects as though manually affixed.

IN WITNESS WHEREOF, American Safety Casualty Insurance Company has caused its official seal to be hereunto affixed, and these presents to be signed by its President and attested by its Secretary this 6th day of August, 2009

Attest:


Ambuj Jain



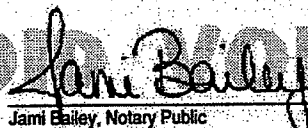

Joseph D. Scolo, Jr.

STATE OF GEORGIA

COUNTY OF COBB

On this 6th day of August, 2009, before me personally came Joseph D. Scolo, Jr., to me known, who, being by me duly sworn, did depose and say that he is the President of American Safety Casualty Insurance Company, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.

JAMI BAILEY
Notary Public, Hall Co., GA
My Commission Expires Aug. 13, 2012


Jami Bailey, Notary Public

I, the undersigned, Secretary of American Safety Casualty Insurance Company, an Oklahoma corporation, DO HEREBY CERTIFY, that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed in the City of Atlanta, in the State of Georgia

Dated this 20 day of February, 2012




Ambuj Jain

ORIGINALS OF THIS POWER OF ATTORNEY ARE PRINTED WITH RED NUMERICAL NUMBERS
DUPLICATES SHALL HAVE THE SAME FORCE AND EFFECT AS AN ORIGINAL ONLY WHEN ISSUED IN CONJUNCTION WITH THE ORIGINAL

RESOLUTION NO. 12-12

A RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE
OF AN ARKANSAS DEPARTMENT OF AERONAUTICS 80/20 GRANT IN
THE AMOUNT OF \$224,000.00 FOR IMPROVEMENTS TO THE FORMER
AATC HANGAR BUILDING AT DRAKE FIELD

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes
application for and acceptance of an Arkansas Department of Aeronautics 80/20 Grant in the
amount of \$224,000.00 for improvements to the former AATC hangar building at Drake Field.

PASSED and APPROVED this 17th day of January, 2012.

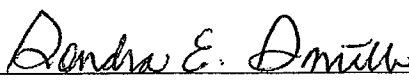
APPROVED:

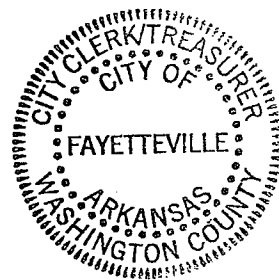
ATTEST:

By:


LIONELD JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer



RESOLUTION NO. 13-12

A RESOLUTION APPROVING TASK ORDER NO. 7 TO THE CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF \$27,150.00 TO DESIGN THE REHABILITATION OF THE FORMER AATC HANGAR BUILDING AT DRAKE FIELD, AND APPROVING A BUDGET ADJUSTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes application for and acceptance of an Arkansas Department of Aeronautics 80/20 Grant in the amount of \$224,000.00 for improvements to the former AATC hangar building at Drake Field.

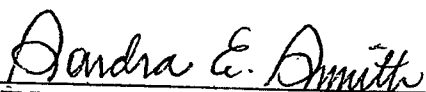
Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

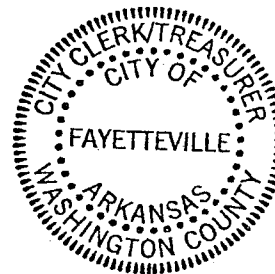
PASSED and APPROVED this 17th day of January, 2012.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



Added at Agenda
Session 2/28/12

AGENDA REQUEST

FOR: COUNCIL MEETING OF MARCH ²⁰~~20~~, 2012

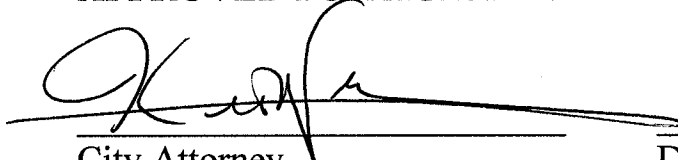
FROM:

KIT WILLIAMS, CITY ATTORNEY

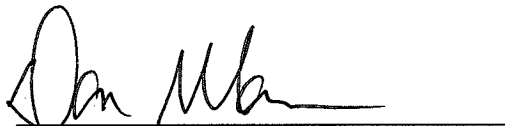
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Approve The Appointment Of James A. Williams, Jr. To The Board Of Improvement Of The Downtown Off Street Parking Development District No. 1 Of The City Of Fayetteville

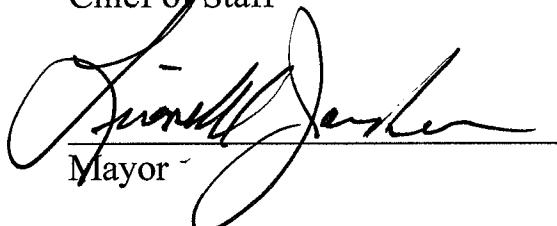
APPROVED FOR AGENDA:



City Attorney 2-28-2012
Date



Chief of Staff 2-28-12
Date



Mayor 2/28/12
Date

02-28-12 A10:49 RCV

WB



mayor's
office



JOHN LOGAN BURROW, P. A.
Attorney at Law
1 West Mountain Street #206
Fayetteville, Arkansas 72701
479-444-0722

RECEIVED

FEB 21 2012

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

February 21, 2012

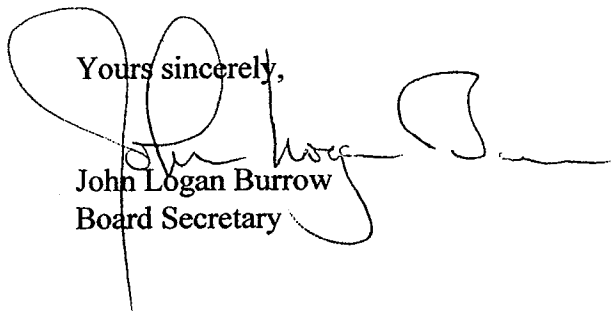
Hon. Lioneld Jordan
Mayor, City of Fayetteville, Arkansas
City Administration Building
Fayetteville, Arkansas 72701

Dear Mayor Jordan:

This is to give notice that, due to the resignation of Rick Woods, a vacancy exists on the Board of Improvement of the Downtown Off Street Parking Development District No. 1 of the City of Fayetteville, Arkansas.

Thank you for your attention to this.

Yours sincerely,


John Logan Burrow
Board Secretary

RECEIVED

FEB 27 2012

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

1141 Ridgeway Drive
Fayetteville, Arkansas 72701
February 27, 2012
479-521-3240

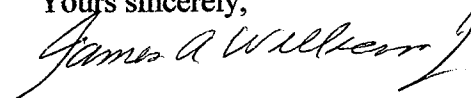
Hon. Lioneld Jordan
Mayor, City of Fayetteville
City Administration Building
Fayetteville, Arkansas 72701

Dear Mayor Jordan:

This is to request that I be appointed to serve on the Board of Improvement of the Downtown Off Street Parking Development District No. 1 of the City of Fayetteville, Arkansas. I am the owner of property located at 120 South East Avenue, which is within the geographical boundaries of the District.

Thank you for your attention to this.

Yours sincerely,



James A. Williams, Jr.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE APPOINTMENT OF JAMES A. WILLIAMS, JR. TO THE BOARD OF IMPROVEMENT OF THE DOWNTOWN OFF STREET PARKING DEVELOPMENT DISTRICT NO. 1 OF THE CITY OF FAYETTEVILLE

WHEREAS, pursuant to A.C.A. §14-88-303, the Fayetteville City Council has the power to fill vacancies on the local Board of Improvement; and

WHEREAS, Rick Woods has resigned from the Board of Improvement as he no longer is a qualified owner of real estate in the district so that a vacancy now exists;

WHEREAS, James A. Williams, Jr. owns property within the Improvement District and has volunteered to serve on the Board.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby appoints James A. Williams, Jr. (a qualified property owner in the district) to the remainder of the term of Rick Woods (who has resigned) on the Board of Improvement of the Downtown Off Street Parking Development District No. 1 of the City of Fayetteville, Arkansas.

PASSED and APPROVED this 20th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



1 of 1 DOCUMENT

Arkansas Code of 1987 Annotated Official Edition Court Rules 2011
© 1987-2011 by the State of Arkansas
All rights reserved.

*** CURRENT THROUGH THE 2011 REGULAR SESSION AND UPDATES ***
*** FROM THE ARKANSAS CODE REVISION COMMISSION THROUGH ***
*** JULY 28, 2011 ***
*** ANNOTATIONS CURRENT THROUGH JUNE 2, 2011 ***

Title 14 Local Government
Subtitle 5. Improvement Districts Generally
Chapter 88 Municipal Improvement Districts Generally
Subchapter 3 -- Members -- Increase in Number in Certain Cities

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

A.C.A. § 14-88-304 (2011)

14-88-304. Petition of property owners to fill vacancy.

(a) When there is a vacancy on the board of commissioners of any improvement district due to the death of a commissioner or due to the fact that a commissioner has ceased to reside in the state where such a district was created by any town or city council, and in such case, if five (5) or more property owners of the district petition the city or town council, calling attention to the vacancy on the board of commissioners and requesting the appointment of a new commissioner to fill the vacancy, it shall be the duty of the council to take forthwith the necessary steps to fill the vacancy by appointment of a new commissioner, who shall be a property owner in the district.

(b) Upon the filing of a petition with the council signed by five (5) or more property owners in the district affected, reciting that any commissioner is no longer a property owner in the district, accompanied by a corroborative certificate of an abstractor, the person shall automatically cease to be a commissioner. His office is declared to be vacant from the date of filing the petition, and the council that created the district shall forthwith name as commissioner of the district to fill the vacancy the person named in the petition and recommended for commissioner of the district if the person is a property owner in the district.

HISTORY: Acts 1941, No. 74, § 1; A.S.A. 1947, § 20-117.

HIERARCHY NOTES:

Tit. 14, Subtit. 5, Ch. 88 Note

Tit. 14, Subtit. 5, Ch. 88, Subch. 3 Note

From: <themucks@gmail.com>
To: <webmaster@ci.fayetteville.ar.us>
CC: <city_clerk@ci.fayetteville.ar.us>
Date: 2/23/2012 10:27 AM
Subject: [Form mail from AccessFayetteville] - Ordinance Meeting tonight @ 6pm

From: Jeffrey & Juanita Muckleroy

Email: themucks@gmail.com

To: city_clerk@ci.fayetteville.ar.us

Subject: Ordinance Meeting tonight @ 6pm

Message:

Please pass our concerns below to the Council tonight as these are major concerns for us in the Sang valley Neighborhood.

Hello City Council Members-

We are residents in the Sang Valley community. We would like to go to the meeting tomorrow night but have to be in Tulsa to pick up my Daughter. We have been out of pocket for a while now on what is going with our community, however the below email is very disturbing to us and we would like for our voice to be heard tomorrow night at this meeting.

1) We are not in favor for passing a new definition of a family! This is going to bring more unwanted traffic in our neighborhood that people in our community already complain about, plus we already have houses around this neighborhood that have more than the allotted residents in them. You can look down Ora and see more than 7 cars parked at it all the time. The corner of Sang and Weddington is another. Right on Cleveland is another.

2) If you pass the 5 instead of 3 for a definition it will not be a choice of the city approving on a case to case base. The city will do whatever brings in the most money! It doesn't care where the location is as long as it brings in revenue.

3) We have already complained about the traffic on Sang Ave. We have added a new church right down the street that has increased traffic already. With the increase of students at the University the traffic has also increased drastically. In front of our house on Sang at 7:30am - 8:30am you can't get out of the driveway easily. This is also the same at 4:30-5:30 pm every day. What will you do when one of our children get hurt due to traffic that has increased in the neighborhood?

4) We put in speed bumps but they don't work! We have enough traffic flowing through here at all times of the day and night speeding! You can hear people going over the speed bumps like crazy... Some even sound as if they have lost part of their car.

5) Although we work for the University and am an advocate for the University we do not want more residential places in our neighborhood. We bought this house because it was a nice quiet place to live

and raise our children. We now have a nephew that lives with us and we want him to grow up in a quiet neighborhood also. If the University needs more housing then look to the South by Baum stadium, the buses already run in that area. Plus there are a lot of Apartments that are needing renters...

6) We are not sure where you live Rhonda but if this were your area or road where your children grew up we do not think you would advocate for another huge community to come in.

7) We are also worried about the flooding from the creek! Although we are not on the creek our garage has flooded a lot from the rain flooding out of the drainage ditches. Which has always been an ongoing problem. The city came out on Easter last year to clean out the ditches. If you add more concrete to the mix this could be even more disastrous for this neighborhood.

8) We know that there will be some development on the Marinoni property at some point but please do not make it a burden on the already established older neighborhood and add more burden to an already existing problem.

Please consider our thoughts on the above points. When you start opening up older neighborhoods for money which the city has a lot to gain from this (as our property taxes are already way too high and will just go up with a new residential neighborhood) then we lose sight of what Fayetteville is really about!

Thank you both in advance,
Juanita & Jeffrey Muckleroy

Below is the email we received from John notifying us of this.....

From: John Faucette [jfaucette@coldwellbanker.com]
Sent: Wednesday, February 22, 2012 11:07 AM
To: Donn T. Johnson; Paula E. Johnson; Ed and Angie Baker; Darryl & Lea Criss; Deb Euculano; Tami Trzeciak; Shirley Lucas; Bill Mock; Juanita K. Muckleroy; Maliah Pinkleton; Kathy Short; Steven Skattebo; Martha Thornton; Carol Traphagan; Rania Trulley; Marcia Wells; Darrell Caplener; Vel Moses
Subject: FW: the retreat at lubbock-the ultimate living experience sang valley important
Please find below an e-mail I sent to Sarah Lewis, our current Ward 4 Representative regarding the Heckathorn property and the Marinoni property to the west a potential use of the land being considered. This is very important; if this consideration becomes a reality it will place a burden upon our existing neighborhoods and our surrounding streets, and a possible burden on drainage, and also nearby intersections such as the already somewhat dangerous intersection of Razorback and Maple, Cleveland and Sang, and etc. I just had a few e-mail addresses of folks in the Sang Valley Association, that is why I did not do a blind recipient so anyone could forward this e-mail on to others this was not sent to that live in the Sang Valley Association area, but it also needs to be sent to the Halsell Heights Association as well and I do not have any e-mail addresses there as well.

This is being considered and being supported by the higher ups at the university. Projecting student enrollment to increase by 6,000+ - over the next 5 years because of football and basketball but not academics, but will that happen if tuition keeps increasing.

Also, this Thursday evening Rhonda Adams our other current Ward 4 Representative at the Council of Neighborhoods is going to explain the new definition of a "family" with respect to the number of occupants

in a dwelling for planned zoning districts, but keep in mind this might effect existing housing. The push is to go beyond no more than 3 unrelated occupants to 5. So the housing being considered on the Heckathorn property will have 1 to 5 BR family units, supposedly 600 units which would average 3.5 BRs per unit and when you look at 600 hundred units that is a lot of vehicles of college students.

The Neighborhood Council will meet Thursday February 23rd at 6:00pm in room 326 of City Hall.

If you would like to call please feel free to do so. My number is 479-871-8147 or 479-571-7730. For those of you that may not know, I live at 2104 W. Loren Circle.

John

John Faucette
Accredited Buyer Representative
Certified Marketing Specialist
Coldwell Banker Harris McHaney
& Faucette Real Estate
jfaucette@coldwellbanker.com
<http://jfaucette.cbhmf.com>
479-871-8147 cell
479-444-7546 fax
"Pays Attention To Details"
"Here To Help"

From: John Faucette [mailto:jfaucette@coldwellbanker.com]
Sent: Tuesday, February 21, 2012 6:06 PM
To: 'Sarah Lewis'
Subject: the retreat at lubbock-the ultimate living experience

Sarah;

Recently I was made aware that the planning commission may consider a housing development in the Sang Valley area; the reason in part why the commissioners and aldermen, and staff(Jeremy Pate, etc) are considering changing the number of non-related occupants per house hold. I am not sure to what extent you are aware of this. As I understand on the 25 acres of Heckathorn property which connects to the

Marinoni property on the west there is a proposal being considered for 600 single family so called units that are to be cottages of ranging from 1 to 5 Bedrooms with one large common in several of the blocks that will act as common area backyards. If this moves forward then the Project will blend into the Marinoni property which will be commercial and I suppose possibly more housing. If you figure an average of 1-5BR units

As 3.5 BRs times the number of units that is potentially 2,100 people and figuring one car per person and when friends are over that is in addition. Isn't that a little ridiculous? Proposed outlets as I understand:

1)Sang Avenue 2)Maple Street bordering the homes on Loren Circle going east-west then to some degree north south. 3) Which Marinoni would not want to do is go out onto Wedington Drive which would require a

Dealing with the State in installing a stop light, which to me would make more sense? Oh by the way there is a proposal consideration where Maple intersects Sang on the west side to put a bus stop to pick up kids going to the campus. This may entail taking some of Patty Lanning's backyard. Plus if Maple is widened and sidewalked that will take up a lot more yard along the south side of Westwood S/D. I can just see on a Saturday night a car ending up in someone's backyard because of being drunk.

The outlet on Sang would be in the vicinity of Archer Drive in Waterman Woods, and I can see it now that Archer would to some degree be a cut through because the number of cars going up Cleveland will result

in a

congested intersection, and in turn there will be increased traffic up Halsell to the south. Cars will be moving fast up Cleveland, on Sang, and up Halsell and maybe along Maple. The considered idea that sidewalks on both side of Cleveland would be a traffic calming devise seems absurd to me. The sidewalks would have to be really wide, more than 4 feet to be considered safe, and besides that I know on the south side there is a culvert near Ashwood on the south side how would the city handle that. I have seen cars hug the curbs on Cleveland going up and going down. It is dangerous even with the side walk that is there now. Cars go fast up the hill to be able to go up the hill and traffic goes down the hill just naturally going fast and with a congested intersection at the base of the hill, no telling what would happen. Here is another thing with the increase traffic using Cleveland and Halsell there are going to be congested intersections and made more dangerous: Razorback and Cleveland; Razorback and Maple to the north, west, east, and south(pretty dangerous already), Markham and Razorback.. If there is a bus transit that is in that Sang Valley area that will make more congestion and not so careful car drivers. Car speed on Sang going to Halsell, and if the traffic is high on Halsell then the idea of using sidewalks on both sides of Halsell as well needs to be done as well as widening Halsell. I bet Rhonda Adams would love that, especially since she proposed the increase in occupants per family unit. Oh yes, if the idea too is get people to walk up Cleveland to school, well, that isn't going to happen. Maybe a few. That hill is a little hard to pull and someone may be worn out by the time they get to the top.

Also, another access would be out of Marinoni's property, the private drive that goes out onto Wedington, however, I am sure Marinoni does not want to do that nor the potential developer because then that would mean that they would have to deal with the State Highway department and install a stop light, so put the burden back on the residential areas.

Here is something else, Hamstring Creek meanders through the Heckathorn property as you well know. Part of that creek is in the flood plain, I believe that back northwest portion of the Heckathorn property. I also have a feeling that the stream ordinance will be pushed aside to some degree to allow the developer and the city staff to get what they want to achieve. There will be drainage issues. What you may not be aware of is that as the creek meanders northwestward it brings part of West Berry Street into its flood plain. The question will this development impact the creek's already existing flood plain upon the Berry street owners much greater than it is already and will there be other drainage issues. Also, what does this do to the ecological aspect of the prairie type property that the Heckathron property seems to be? This will potentially be a drainage burden upon the Berry Street homes that are already in the flood plain. Aren't drainage and water shed concerns are in your line of work?

No one has approached the Sang Valley residents about this proposal so what's up with that. I tell you what's up with that, it is controversial so Marinoni knows already the objection that would be voiced. There is a lot of burden that will be placed upon this area that no one of course is thinking about. The city staff doesn't really care, since they want to achieve this cottage concept, and of course the developer and Marinoni probably have the blessing of the university. There is mumbling that the population of the university will increase by say 6,000 students in 5 years because of the football and basket ball program. Too bad the student population will not increase because of academics, and as more buildings go up so will the tuition which will theoretically decrease the student population.

The Sang Valley Neighborhood needs to know.

I think this idea of increasing the occupants per household is a bad idea especially if it ever gets into the existing housing. I would also like to say that I think it is very wrong for the city staff and planners, aldermen to adjust the light ordinance to suit their own convenience regarding that stupid tree on the Old Post Office property even now more so since there is now the integrity of the transaction that the has gone on in counter offer negotiations. Just so a lighted tree will look pretty on a post card. Bah !. You know a house in our S?D seems to have lights on in their backyard strung up on a tree and deck that seems to be a little bit of a bother, what about that property?

This is long, but it had to be said.

John

John Faucette
Accredited Buyer Representative
Certified Marketing Specialist
Coldwell Banker Harris McHaney
& Faucette Real Estate
jfaucette@coldwellbanker.com
<http://jfaucette.cbhmf.com>
479-871-8147 cell
479-444-7546 fax
"Pays Attention To Details"
"Here To Help"

Juanita Muckleroy
Administrative Support Supervisor
Arkansas Union Room 634
Office(479) 575-2146
Fax(479)575-7191
jmuckle@uark.edu

Harmony, Responsibility, Restorative, Empathy, Consistency



Dear Square Merchant,

The Fayetteville CVB organizes First Thursdays, a monthly celebration of the arts on the Fayetteville Square. As you know, Fayetteville First Thursday has grown in the past two years and the community event is now bringing 1500-2000 people to the Fayetteville Square monthly.

We saw a tremendous increase in support and participation from 2010 to 2011, and expect it to grow again this year with our planned addition to the festival.

Plans for 2012 include having one or more musical performances every month. We will feature an expanded Kid's Zone. The beer garden will be overseen by Brandon Karn of Jammin' Java. Last year, proceeds from the beer garden raised \$1500 for local charities. We increased the number of participating artists to more than 60 per month last year and hope to expand from 60 to 100 per month this year.

Last year, the CVB expanded the event to Mountain and East Streets. We are asking for your support in expanding First Thursday to include the entire Square (Mountain, Block, Center and East Streets). This will require action of the City council.

With the A & P Commission negotiating to purchase the Old Post Office to house the Fayetteville Underground, we feel that the entire square will be useful to expand and promote the arts.

Would you respond to this email with your approval of expanding First Thursday to the entire Square?

If you have questions or concerns, please call or email me. I welcome your input to make Fayetteville First Thursdays a premier event in Fayetteville.

Tanner Montgomery
Visitor Services Manager
Fayetteville Visitors Bureau
479-521-5776
21 S. Block Ave.
tmontgomery@experiencefayetteville.com



I _____ approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

Added at Agenda
Session 2/28/12

**City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts**

D. 4
Employee Compensation Adjustment
Page 1 of 6

3/6/2012

City Council Meeting Date

Paul A. Becker
Submitted By

Finance & Internal Services
Division

Finance & Internal Services
Department

Action Required:

A Budget Amendment for \$1,154,000 is requested Citywide for 2012 Employee Compensation Adjustments.

\$ 1,154,000

Cost of this request

\$ 42,466,864

Category / Project Budget

Personnel Services

Program Category / Project Name

XXXX.XXXX.51XX.XX

Account Number

\$ 6,735,626

Funds Used to Date

Citywide

Program / Project Category Name

\$ 35,731,238

Remaining Balance

Citywide

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☒

Paul A. Becker
Department Director

2-24-2012
Date

Previous Ordinance or Resolution #

Kim G. Johnson
City Attorney

2-24-2012
Date

Original Contract Date:

Original Contract Number:

Paul A. Becker
Finance Director

2-24-2012
Date

Received in City Clerk's Office
02-23-12 P02:23 RCVD
Kim G.

Don Marshall
Mayor

2-28-12
2/28/12
Date

Received in Mayor's Office

Comments:

CITY COUNCIL AGENDA MEMO

TO: Mayor Jordan and Members of the Fayetteville City Council

THRU: Don Marr, Chief of Staff *DM*

FROM: Paul A Becker, Finance Director *PAB*

DATE: 3/6/2012

SUBJECT: **Appropriation Authority for Employee Compensation Adjustments**

PROPOSAL:

As discussed during the 2012 Budget process, the Mayor is recommending a compensation package to the City Council based on the fiscal results of 2011 operations. The operating results from the fourth quarter of 2011 have been posted. The result for fiscal 2011 shows a net operating surplus of approximately \$1.4 million in the General Fund. The budget had been formulated on the use of \$449,000 from reserves. Thus, rather than incurring a deficit a surplus was experienced.

This surplus was achieved through a combination of revenue increases and expense control. The Administration was able, through good management, to hold expenditures \$600,000 dollars under budget. In addition revenues collected were well over budget.

Other operating funds such as the Street, Water and Sewer and Solid Waste also showed positive numbers for the year.

The Mayor's Guiding Philosophy

- Recommendation supports on-going funding without risking future layoffs.
- Address market pay for existing positions before any consideration of new positions.
- Employees with at least six (6) months of service to the City qualify for an appropriate increase in compensation.

Based on these results, the Mayor is recommending the following compensation package to the Council:

- The plan would provide for step increases for uniformed personnel beginning 3/19/2012 keeping everyone in a step.
- The plan would provide for merit increases for other employees comparable to the amount provided to uniformed personnel, to be distributed based on merit.
- Amounts to merit employees will be based on performance as determined by the appropriate department/division head. These raises will go into effect beginning 3/19/2012.
- Employees at the top of their ranges will be eligible for a single year discretionary bonus.
- To be eligible merit employees must have completed at least six (6) months of service as of 03/31/2012.
- Uniformed personnel must have completed at least one year of service as of 3/31/2012 to receive a step increase.
- The 2012 cost of this plan is projected to be \$764,000 in the General Fund. The 2012 cost for all funds would be \$1,154,000.
- The on-going cost of the plan in future years will be \$993,000 for the General Fund and \$1,500,000 for all funds.
- The 2012 pay plan cost plus use of reserves in the 2012 Budget is less than the 2011 surplus. $\$1,363,000 - \$764,000 - \$500,000 = \$99,000$.

RECOMMENDATION:

The Mayor's recommendation is for the City Council to appropriate funds to provide for the compensation package outlined above.

BUDGET IMPACT:

The impact of this proposal would be to increase the budgets for various funds as follows:

Funding Source	Budget Adjustment
1010 - General	\$ 764,000
2100 - Street	85,100
2130 - Parking	7,200
2180 - Community Development Block Grant	4,500
2250 - Parks Development	33,600
2930 - Drug Law Enforcement	7,500
5400 - Water & Sewer	136,500
5500 - Solid Waste	80,700
5550 - Airport	9,400
9700 - Shop	25,500
Grand Total	\$ 1,154,000

RESOLUTION NO. _____

A RESOLUITON TO APPROVE A BUDGET ADJUSTMENT OF \$1,154,000.00 TO FUND A CITY-WIDE 2012 EMPLOYEE COMPENSATION ADJUSTMENT

WHEREAS, Mayor Jordan informed the City Council prior to its adoption of the 2012 Budget that he would present a comprehensive, compensation package for all employees with at least six (6) months service if the final results of the 2011 Budget justified such pay increase; and

WHEREAS, the City Administration and employees were able to hold expenditures to \$600,000.00 less than the authorized amount of the 2011 budget expenditures; and

WHEREAS, City revenues grew such that rather than the estimated required use of \$450,000.00 from reserves, a new surplus of about \$1,360,000.00 was achieved; and

WHEREAS, Mayor Jordan and his Administration recommend that this net surplus be used: (1) to replace the use of existing reserves (\$500,000.00) in the 2012 budget; (2) to fund step increases for fire and police and generally comparable merit raises for other General Fund employees in the approximate amount of \$764,000.00; and (3) to place about an additional \$100,000.00 in the General Fund Reserves; and

WHEREAS, non General Fund employees will receive approximately \$390,000.00 in generally comparable merit raises funded by other appropriate funds.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached Budget Adjustment in the amount of \$1,154,000.00 and approves the Mayor's proposed Employee Compensation Adjustment Plan by providing funds for step increases for fire and police sworn personnel with at least one year of service to the City as of March 31, 2012 and merit increases (if authorized by supervisors) of non-uniformed city employees for qualified employees with at least six (6) months of service to the City as of March 31, 2012.

PASSED and APPROVED this 6th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

**City of Fayetteville, Arkansas
Budget Adjustment Form**

D. 4 V11.0222
Employee Compensation Adjustment
Page 6 of 6

Budget Year 2012	Division: *ALL DIVISION(S) Department: Citywide	Request Date 3/8/2011	Adjustment Number
----------------------------	--	---------------------------------	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

\$1,154,000 in additional funding is requested Citywide in Salary Contingency for 2012 Employee Compensation Adjustments.

The \$1,149,500 will come from the Use of Fund Balance accounts Citywide and 4,500 will come from existing CDBG Budgeted Salary Contingency.

<u>Paul A. Behn</u> Division Head	<u>2-24-2012</u> Date	Prepared By: <u>Kevin Springer</u> kspringer
<u>[Signature]</u> Budget Director	<u>2-14</u> Date	Reference: _____
Department Director	Date	Budget & Research Use Only
<u>Paul A. Behn</u> Finance Director	<u>2-28-2012</u> Date	Type: A B C D E P
<u>[Signature]</u> Chief of Staff	<u>2-28-12</u> Date	General Ledger Date _____
<u>[Signature]</u> Mayor	<u>3/28/12</u> Date	Posted to General Ledger _____ Initial _____ Date _____
		Checked / Verified _____ Initial _____ Date _____

TOTAL BUDGET ADJUSTMENT		1,149,500	1,149,500	Project.Sub Number
Account Name	Account Number	Increase / (Decrease) Expense	Revenue	
Use of fund balance	1010.0001.4999.99	-	764,000	.
Use of fund balance	2100.0910.4999.99	-	85,100	.
Use of fund balance	2130.0913.4999.99	-	7,200	.
Use of fund balance	2250.0925.4999.99	-	33,600	.
Use of fund balance	2930.0993.4999.99	-	7,500	.
Use of fund balance	5400.0940.4999.99	-	136,500	.
Use of fund balance	5500.0950.4999.99	-	80,700	.
Use of fund balance	5550.0955.4999.99	-	9,400	.
Use of fund balance	9700.0970.4999.99	-	25,500	.
Salary contingency	1010.6600.5100.01	764,000	-	.
Salary contingency	2100.4100.5100.01	85,100	-	.
Salary contingency	2130.9130.5100.01	7,200	-	.
Salary contingency	2180.4930.5100.01	(4,500)	-	.
Salary contingency	2180.4930.5100.01	4,500	-	.
Salary contingency	2250.9250.5100.01	33,600	-	.
Salary contingency	2930.2960.5100.01	7,500	-	.
Salary contingency	5400.4000.5100.01	136,500	-	.
Salary contingency	5500.5000.5100.01	80,700	-	.
Salary contingency	5550.3940.5100.01	9,400	-	.
Salary contingency	9700.1910.5100.01	25,500	-	.

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**City of Fayetteville Arkansas
City Council Meeting Minutes
March 6, 2012**

A meeting of the Fayetteville City Council was held on March 6, 2012 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Boudreaux, Kinion, Petty, Tennant, Ferrell, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, Deputy City Clerk Lisa Branson, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

4th Quarter Financial Report 2011, Paul Becker, Finance Director

Paul Becker gave the 4th Quarter Financial Report for 2011.

Agenda Additions:

Consent:

Approval of the February 21, 2012 City Council meeting minutes.

Approved

Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area:

A resolution approving a budget adjustment in the amount of \$98,808.00 recognizing revenue from the Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area.

Resolution 43-12 as recorded in the office of the City Clerk.

Water and Sewer Relocation AHTD-Utility Agreement: A resolution approving a contract with the Arkansas State Highway and Transportation Commission regarding utility construction and relocation of water and sewer utilities related to the Highway 112 Spur (Garland Avenue) Widening and Improvement Project.

Resolution 44-12 as recorded in the office of the City Clerk.

Garver, LLC: A resolution approving a contract with Garver, LLC in an amount not to exceed \$40,000.00 for professional engineering services related to the renovation of the Wilson Park swimming pool deck and interior.

Resolution 45-12 as recorded in the office of the City Clerk.

4248 S. School Ave. Hangar Improvements: A resolution awarding Bid #12-22 and authorizing a contract with Pick-It Construction, Inc. in the amount of \$235,100.00 for construction of alterations and improvements to the hangar at 4248 S. School Avenue, approving a project contingency of \$16,750.00, recognizing and accepting grant revenue from the Arkansas Department of Aeronautics to partially fund the project, and approving a budget adjustment.

City Attorney Kit Williams: I think we need to pull this item. There was a slight change and we will have a new resolution to submit to City Council.

Removed from Consent for discussion.

City of Elkins Cost-Share Agreement: A resolution approving a cost-sharing agreement with the City of Elkins in an amount not to exceed \$150,000.00 for replacement and improvements of the Elkins Outfall Sewer Line.

Resolution 47-12 as recorded in the office of the City Clerk.

Rosetta Construction, LLC: A resolution to approve a construction contract with Rosetta Construction, LLC for \$692,223.00 with a contingency of \$50,000.00 to construct the Elkins Outfall Gravity Sewer Improvements and to approve the attached budget adjustment of \$416,818.00.

Resolution 48-12 as recorded in the office of the City Clerk.

Off Street Parking Development District No. 1 Appointment: A resolution to approve the appointment of James A. Williams, Jr. to the Board of Improvement of the Downtown Off Street Parking Development District No. 1 of the City of Fayetteville.

Resolution 49-12 as recorded in the office of the City Clerk.

Alderman Tennant moved to accept the Consent Agenda with #5. 4248 S. School Ave. Hangar Improvements being removed. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

4248 S. School Ave. Hangar Improvements: A resolution awarding Bid #12-22 and authorizing a contract with Pick-It Construction, Inc. in the amount of \$235,100.00 for construction of alterations and improvements to the hangar at 4248 S. School Avenue, approving a project contingency of \$16,750.00, recognizing and accepting grant revenue from the Arkansas Department of Aeronautics to partially fund the project, and approving a budget adjustment.

Ray Boudreaux, Airport Director explained that the State would not consider contingency on a project of this type so therefore the resolution has been changed.

City Attorney Kit Williams explained that there would need to be a motion to amend the resolution and then another motion to approve it.

Alderman Ferrell moved to amend the resolution. Alderman Kinion seconded the motion. Upon roll call the motion passed unanimously.

Mayor Jordan read the amended resolution.

Alderman Lewis asked if the contingency amount was the same.

Ray Boudreaux confirmed that there was not a contingency.

Alderman Boudreaux moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Resolution 46-12 as recorded in the office of the City Clerk.

Unfinished Business:

Amend Chapter 151 Definition of “Family”: An ordinance to amend the definition of “Family” found in Chapter 151 Definitions of the Unified Development Code to allow the City Council to authorize up to five (5) unrelated persons in some units of a Planned Zoning District. *This ordinance was left on the First Reading at the February 7, 2012 City Council meeting. This ordinance was left on the Second Reading at the February 21, 2012 City Council meeting.*

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-1. Alderman Ferrell, Adams, Lewis, Gray, Boudreaux, Petty and Tennant voting yes. Alderman Kinion voting no.

City Attorney Kit Williams read the ordinance.

Alderman Lewis stated I would like to propose an amendment.

City Attorney Kit Williams pointed out that the new language was bolded within Section 1.

Alderman Lewis stated after hearing from neighbors and citizens, if this is going to pass I would like to have further assurance of the parking and traffic. She went on to read the proposed amendment.

City Attorney Kit Williams further explained the amendment.

Mayor Jordan: So if the Council determines that the traffic is unreasonable they can turn it down.

City Attorney Kit Williams: That is correct.

Alderman Ferrell: Who determines the rational for unreasonable traffic?

City Attorney Kit Williams: Staff will make a recommendation and the Planning Commission will make a recommendation. The final determination is done by the City Council.

Alderman Ferrell: Where would you go to consider problems to the adjoining neighborhoods?

City Attorney Kit Williams: We are really leaving this much more to the City Councils discretion and judgment. It is very hard to decide on the front end how far you should go or where you should measure something.

Alderman Ferrell: My expectation is that if and when some of these come forward they are going to be like a village.

Alderman Petty: I am looking at 172.11 and Sarah this is the ordinance you brought forward to help control parking in the front yards?

Alderman Lewis: Correct, Shirley Lucas and I proposed it and this Council passed an ordinance that would designate the parking area and limit the number of cars to four in the designated parking area.

Alderman Petty: This code references single family homes and I only read it to apply to single family districts. So if a PZD were to come forward with a request to build multi-family units where five people could live together in a unit would this code apply?

City Attorney Kit Williams: It can and that is why I put in there that it must be in a multi-family planned zoning district because it cannot be in a single family planned zoning district. You can through this say that it will apply in very rare circumstances where you might allow up to five unrelated persons in a single housing unit.

Alderman Petty: I was just curious how it would apply. I have never seen a multi-family unit where you could define what the front yard was. It sounds good.

City Attorney Kit Williams: With these structures you might though because they might look very much like a house.

Alderman Petty: The part that says we are to consider the traffic impact on other neighborhoods, aren't we already required to do that with every rezoning?

City Attorney Kit Williams explained the current considerations and regulations.

Mayor Jordan: We got into this debate over the sale barn and I remember in that particular rezoning that we did look at that.

Alderman Boudreaux: It's been a while since we have done a planned zoning district but as I recall we did review a lot of things we don't normally review in a normal rezoning.

Jeremy Pate, Development Services Director: That is correct because you are looking at the development as well as the zoning and there is a lot of criteria we have in the PZD ordinance to review.

Alderman Boudreaux: I thought the streets and all that were a part of that. Does staff feel like this is being redundant or does it actually add to this?

Jeremy Pate: The one thing it could add is that section related to adding the parking requirements. That may be a help in terms of the parking issue.

Paula Marinoni, owner of property that would be affected by this amendment expressed her concerns and went on to speak against the amendment.

Suzanne Owens, a Fayetteville citizen expressed her concerns with increased traffic.

George Rozell, resident of 2015 Cleveland St. stated the amendment is a step in the right direction and he went on to speak in favor of the amendment.

Alderman Petty: Jeremy, can you clarify how Chapter 172.11 is applied in cluster developments where multiple units share the same parking area?

Jeremy Pate: I don't know that we have had that application in the City yet.

Alderman Petty: How would you imagine it would be applied if a new development according to the new clustered conditional use permit or cottage housing?

Jeremy Pate: They are required to design where their parking areas are up front with that ordinance. So we anticipated that when we drafted that ordinance. They are dedicated parking areas that are designed up front with that particular ordinance.

Alderman Petty: Is that also typical of most PZD's we have seen historically?

Jeremy Pate: It is, with this particular ordinance it's not affecting the single family definition but more affecting a PZD with a multi-family component.

Alderman Petty: I think this amendment is a good thing and I will vote for it.

Alderman Ferrell: Since there is already consideration for parking and traffic this would be additional consideration.

City Attorney Kit Williams: With any PZD as Jeremy explains you are looking at the parking.

Alderman Lewis: The reason this was requested was there is a possibility that people will request single family homes allowing five and that is where the specific parking regulation would apply.

City Attorney Kit Williams: No single family zoned district could have five.

Alderman Lewis: In a planned zoning district they could have a single dwelling and allow five people to live in it as long as it was linked to a PZD.

City Attorney Kit Williams: As long as you all would approve a PZD within that area.

Alderman Lewis: I am saying the same parking standards should still apply even if we increase the number of people allowed to live in a single structure.

Alderman Petty: The basic premises of this amendment is if you are going to build something that looks like a house, it's got to follow the parking standards of what we apply to houses no matter how many people are going to live in it.

Alderman Lewis moved to amend the ordinance to change the language of the ordinance to address the parking and traffic concerns. Alderman Petty seconded the motion. Upon roll call the ordinance passed 5-4. Alderman Adams, Lewis, Kinion, Petty and Mayor Jordan voting yes. Aldermen Ferrell, Gray, Boudreaux and Tennant voting no.

Paula Marinoni spoke on her current property and how she wants to develop it. She went on to speak in favor of the ordinance.

An unknown citizen expressed her concerns with the parking issues and went on to speak against the ordinance.

George Rozell asked the Council why the change is necessary. He expressed his concerns and spoke against the ordinance.

An unknown citizen stated I am afraid this is a gateway to activity that we do not want in this city. She went on to speak against the ordinance.

Mayor Jordan asked Aldermen Petty and Adams this is not being brought forward because of any single development is this correct?

Alderman Adams: That is correct.

Alderman Petty: That is correct.

Mayor Jordan: I want to make that clear that the ordinance being brought forward will not affect the traditional neighborhoods. This is only for new development under a PZD.

Alderman Petty: That is correct.

Don Conner, resident of 1686 Shadowridge stated there is a real possibility that even if this is set up for PZD's that it is going to create a situation that people really won't understand. He went on to speak against the ordinance.

Dlorah Hughes, resident of 927 Hall Avenue expressed her concerns with the increase of the number of unrelated people, the change in the definition of family and with the increased traffic. She went on to speak against the ordinance.

Alderman Kinion: I would like to table this for two weeks which will give us an opportunity to discuss it with the Mayor at Open House. There are a lot of misunderstandings of the impact and implication this will have on the community and this will give us time to talk about it.

Alderman Kinion moved to table the ordinance. Alderman Lewis seconded the motion.

Alderman Boudreaux: I think the enforcement of the existing ordinance has made this a big issue. The City Attorney suggested that the Ordinance Review Committee look at another way of handling this ordinance.

City Attorney Kit Williams further explained his suggestions.

Alderman Ferrell: Would they get to confront their accuser? A lot of times I get complaints from people but they do not want to be involved but instead want the City to handle it. Also, why couldn't you just empower the Code Compliance Department with something that says we will cut their water off? Why couldn't we do that?

City Attorney Kit Williams: Citizens have due process rights and they have the right to listen to any evidence that is against them and to rebut that and present any arguments they might have to show that it is not correct.

Alderman Ferrell: So when a citizen's water is cut off now, they are not called and told that we are going to cut your water off if we do not get paid.

City Attorney Kit Williams: No, they are notified if they do not pay their bill that they are going to have their water cut off. This is for something that is independent of paying a bill and therefore we need to have a due process hearing.

Alderman Ferrell: I think we need to loosen that and we are trying to build an erector set on this deal.

Alderman Lewis: Thank you for drafting this and I am very supportive of this being reviewed at Ordinance Review Committee as a draft. This is something that is a constant issue in our community and we need to address it directly. I would ask that this project be tabled and be in coordination with this and come back to the Council together.

Alderman Kinion: I would accept a friendly amendment to bring this back with the ordinance.

City Attorney Kit Williams: The motioner and seconder can change their motion if they wish. It went from tabling it for two weeks to tabling it until the other ordinance is ready to come back before Council.

Alderman Kinion: That way we can consider them together.

Alderman Petty: I cannot support the new tabling amendment. I think we are capable of considering both of these things as they are and making a decision about either one of them. He went on to respond to several comments that had been previously made. He asked when was the original definition of family passed.

City Attorney Kit Williams: The one that I worked on was passed in 2002.

Alderman Petty: So ten years ago there was an ordinance with a limit of three in single family units and four in multi-family units. When people tell me that allowing someone to ask for five people in a custom zone is going to spread to single family neighborhoods, my response is why hasn't the definition of four in multi-family spread to single family neighborhoods.

A discussion followed.

Alderman Petty asked for a show of hands of everyone that liked living in Fayetteville the way it is today.

He went on to speak on Fayetteville's growth and the changes that need to take place to adapt to the growth.

Alderman Gray: It seems to me that the biggest problem is enforcement. I am certainly supportive of the Ordinance Review Committee looking at a new way to enforce. I would like to see us vote tonight and take care of this and be assured that our attorney and committee will come up with a good way of enforcing and making improvements. I would also like to have a review in six months and see if we have been able to take care of issues that our community brought to us.

Alderman Kinion: I don't think anyone from the University has spoken and I would like an open dialogue with the Vice Chancellor of Student Affairs. I would like to have input directly in front of the City Council before I would support this specific change because that way we will have a dialogue on record.

Alderman Adams thanked the citizens for their input. She stated I did this because I think it is a good planning tool for our city. I think it allows developers to ask for something that we cannot hear from developers now and I continue to believe that a PZD is a rigorous and complex review process where we would invite lots of input and considerations. She went on to explain the feedback that she has received.

Alderman Ferrell pointed out that Fayetteville has continued to grow over the years. He stated that people want good neighborhoods and a good place to raise a family. No matter where an applicant chooses to bring one of these to the Council you are going to see a tremendous amount of scrutiny.

A discussion followed on when this would be tabled to.

Alderman Kinion stated it is indefinite and it would come back after a solution has been made on the enforcement resolution and they would come forward together.

A discussion followed on when the Ordinance Review Committee could meet.

Alderman Kinion: It is my concern that there is a feeling that there has been a lot of confusion and misunderstanding of the implications on this. That is why I want to table it for a short while.

Alderman Boudreaux: I see this as an innovative tool for providing more student housing. The review offered by the City Council will be good. I am supporting this ordinance and I do not see the need to table it.

Alderman Lewis explained why it was important to table the ordinance.

Upon roll call the motion passed 5-4. Alderman Ferrell, Adams, Lewis, Kinion and Mayor Jordan voting yes. Alderman Gray, Boudreaux, Petty and Tennant voting no.

Public Hearing:

Garland Avenue Water and Sewer Relocation Project: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Glen David Wilson Trust & Linda Kay Hinkle, Caren E. & Richard L. Hanna, Bob L. & Wilma B. Bonds, Margot Khavinson, Remington C. Hendrix, Spirits Shop, Inc., and Donald W. & Brenda Sue Johnston needed for water and sewer relocations along N. Garland Avenue, and approving a budget adjustment.

Chris Brown, City Engineer gave a brief description of the resolution.

City Attorney Kit Williams explained the public hearing process.

David Druding, previous owner of the property read and handed out a written statement from an organization called Reform Fayetteville's Imminent Domain.

Bob Bonds, one of the property owners stated we think highly of our property and we would like to see just compensation. He went on to ask for the opportunity to negotiate and he expressed his concerns with the resolution.

Alderman Petty: When did you hire your appraiser?

Bob Bonds: October or November of last year.

Alderman Petty: Did you tell the City when you hired the appraiser?

Bob Bonds: I don't think.

Alderman Petty: And you just talked to your appraiser last week?

Bob Bonds: No, I have been in communication with them many times over the last few weeks and months.

Alderman Petty: So when do you expect to get a figure from them?

Bob Bonds: I would think within the end of this week.

Aubrey Shepherd, a citizen asked how long do you think it will take Garland Avenue to look descent again after this. He went on to express his concerns with the resolution.

City Attorney Kit Williams responded to Bob Bonds by saying I am happy that you have gotten an appraisal and I want to assure you that negotiation does not end simply because we are forced to file a condemnation. He went on to explain the condemnation process.

Mayor Jordan: Chris, you passed out a document that told what cities to the north are doing?

Chris Brown: I have not passed that out but I can go over that.

He went on to explain what other cities are currently doing.

Alderman Ferrell: You indicated that you will continue even after this. He indicated that he should have the appraisal maybe next week. Shouldn't that allow plenty of time?

City Attorney Kit Williams: As you remember, the City Council has authorized my office to file numerous condemnations and we have continued to negotiate and have been able to resolve them.

Chris Brown: Practically and logistically we have to get checks written to file at the court and there is a lot of paperwork that the City Attorney's office has to do. So we need a few weeks to be able to get the paperwork together and we could use that time to do that.

Alderman Ferrell: I know we have done this several times and thankfully we were able to satisfy everybody before we actually have to go to court.

Don Marr, Chief of Staff stated the timing of our work to relocate the utilities is critical to meet the deadline for the matching funds for the States contribution to this project. That is why we are at that time sensitive aspect.

Alderman Petty gave his past recollections of the project. He stated that four lanes with the boulevard was the best we could get approved through the Highway Department.

Mayor Jordan stated we started talking about this in 2004. He went on to give his past recollections of the project.

A discussion followed on what had previously been discussed.

City Attorney Kit Williams responded to David Druding's comments by expressing the fairness that has been demonstrated thus far by the City Engineer and his office.

David Druding questioned some of Chris Brown's comments regarding what other cities are currently doing. He encouraged the Council to listen to a radio report done by KUAF which was a contradiction to Chris Brown's comments.

Alderman Lewis stated this is a very important thing to make sure we are negotiating and I have noticed that we continue to negotiate after condemnation. It's very important to let people negotiate.

Alderman Boudreaux moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 8-0.

Resolution 50-12 as recorded in the office of the City Clerk.

New Business:

RZN 12-4024 (1934 E. Huntsville Rd./Stiles): An ordinance rezoning that property described in rezoning petition RZN 12-4024, for approximately 0.4 acres, located at 1934 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre to NS, Neighborhood Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Boudreaux: Have you heard any objections about this from the neighbors?

Jeremy Pate: I have not seen any public comments at all with this particular request.

Alderman Boudreaux moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third and final reading. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Gray stated I am delighted that we are doing this.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5486 as Recorded in the office of the City

Amend §114.03 First Thursday Fayetteville: An ordinance to amend §114.03 First Thursday Fayetteville to close all streets around the square from 4:00 p.m. to 10:00 p.m. during First Thursday and to give control of all parking around the square (both inside and outside) to the Fayetteville Convention and Visitors Bureau during First Thursday.

City Attorney Kit Williams read the ordinance.

Lindsley Smith, Communications and Marketing Director gave a brief description of the ordinance.

Alderman Lewis: Could you briefly describe your process for finding out a perspective of the businesses around?

Tanner Montgomery with the Convention Visitors Bureau gave a description of their process.

Alderman Petty moved to suspend the rules and go to the second reading. **Alderman Adams** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Lewis moved to suspend the rules and go to the third and final reading. **Alderman Tennant** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5487 as Recorded in the office of the City

Bid #12-15 B&A Property Maintenance: A resolution awarding Bid #12-15 and authorizing a contract with B&A Property Maintenance in a total amount of \$225,713.00 for the maintenance of trees, and approving a five percent (5%) project contingency.

Allison Jumper, Park Planning Superintendent gave a brief description of the resolution.

Alderman Petty expressed his concerns with the contract and he asked Allison Jumper to give a recant of some of her answers to his previous questions.

Allison Jumper briefly explained Alderman Petty's questions and gave the answers and solutions to those concerns.

Alderman Ferrell: Is the tree escrow fund growing at a satisfactory rate to be able to fund these things as we go forward?

Allison Jumper: It has decreased over the last few years because it is development driven so we are seeing a drop off in those funds and those funds are required to be expended within seven years from when they are received. So we are planning on a year ahead. After 2013 we see a pretty significant decrease in the funding.

Alderman Ferrell: So can we assume that there won't be as many contracts when there is not as much money available?

Allison Jumper: Yes.

Don Marr clarified that the contracts relate to the three year period of care so without development and planting of trees we would not have a need for the maintenance. It is development need driven.

City Attorney Kit Williams: I did request that we do a contract like this so we would have an accurate way to determine when we require a developer to pay into the tree escrow account what

would be the fair amount or maintenance cost. I thought it would be better not to guess and we should levy a contract out and see what the actual costs were to the City.

Alderman Petty moved to approve the resolution. Alderman Lewis seconded the motion. Upon roll call the resolution passed 8-0.

Resolution 51-12 as recorded in the office of the City Clerk.

Employee Compensation Adjustment: A resolution to approve a budget adjustment of \$1,154,000.00 to fund a city-wide 2012 employee compensation adjustment.

Paul Becker gave a brief description of the resolution.

Alderman Boudreaux: These reserves are about the same numbers that we had when we came into office. That is pretty commendable considering what we have gone through. The Mayor has done a fantastic job of getting us back up to that position. I feel that the employees deserve compensation for the work they have done. I am very supportive of it.

Alderman Gray commended the employee's great attitudes. She stated I am very supportive of this and I am glad that the day is finally here that we can give some compensation to our workers.

Alderman Lewis also commended the staff and administration for continuing to work hard.

Alderman Tennant stated the success of a company depends on their employees and it is the same in a city. One of the great and many things that make this city great is the attitude of the employees. I am very proud to be able to do this today.

Alderman Ferrell: On part of the money that is being allocated for the merit employees, is that money going to be divided up for whatever they do?

Paul Becker: It will be spread across and allocated based on merit.

Alderman Ferrell: It's all going to go to them?

Paul Becker: Yes.

Alderman Ferrell: Mayor, how would you feel about assuring me that we would not go into reserves in the 2013 budget if we meet the expectation?

Mayor Jordan: If we hit what Paul has projected then I won't have to go into reserves.

Alderman Ferrell: So we won't go into reserves if we do that and we don't have any kind of high court mandate or catastrophe?

Mayor Jordan: I can agree with that yes.

Alderman Ferrell: This didn't happen by accident and I am sure it wasn't easy. The people pulled together and worked and I am officially in.

Don Marr thanked the Council, Mayor and the Elected Officials and stated we were able to do the cuts that we did without a service reduction to our citizens and protecting every job we had in the City. He went on to explain all the efforts and sacrifices made and complimented the City directors and City staff.

Mayor Jordan explained some of the distress the City has been through over the last few years and he spoke on the efforts made by the City staff. He stated together we have advanced the city.

Alderman Boudreaux moved to approve the resolution. Alderman Adams seconded the motion. Upon roll call the resolution passed 8-0.

Resolution 52-12 as recorded in the office of the City Clerk.

City Council Tour:

Announcements:

Adjournment: 9:30 PM

Lionel Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Handed out at City Council Mtg. 3/6/12

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE DEFINITION OF "FAMILY" FOUND IN CHAPTER 151 **DEFINITIONS** OF THE UNIFIED DEVELOPMENT CODE TO ALLOW THE CITY COUNCIL TO AUTHORIZE UP TO FIVE (5) UNRELATED PERSONS IN SOME UNITS OF A PLANNED ZONING DISTRICT

WHEREAS, the current definition of "Family" in the Unified Development Code has been in effect over the last decade and has been approved by the United States Department of Housing and Urban Development after being challenged by a landlord or tenant; and

WHEREAS, the current definition of "Family" in the U.D.C. limits the number of unrelated individuals in a housing unit to three (3) for single family districts and four (4) in multifamily districts in order to protect neighborhoods; and

WHEREAS, in rare circumstances and with appropriate safeguards the City Council should be authorized to allow up to five (5) unrelated persons in a unit within a Planned Zoning District designed for such occupancy.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals the current definition of "Family" found in the **Definitions** Chapter of the Unified Development Code and enacts a new definition of "Family" as shown below

"Family. (Zoning) In R-A, Neighborhood Conservation and all single family districts including single family Planned Zoning Districts, a "family" is no more than three (3) persons unless all are related and occupy the dwelling as a single housekeeping unit. In all other zoning districts where residential uses are permitted, a "family" is no more than four (4) persons unless all are related and occupy the dwelling as a single housekeeping unit with the exception that the City Council may permit a definition of "family" as no more than five (5) persons unless all are related and occupy the dwelling as a single housekeeping unit in a specific Planned Zoning District with proper safeguards for the surrounding neighborhood such as applying the parking requirements of §172.11 (even though this is a multifamily PZD), requiring that each five

person unit must be placed within a freestanding structure of not more than two stories and be buffered from other residential districts outside the Planned Zoning District. The City Council shall consider whether an applicant's PZD with one or more five unrelated person structures would cause unreasonable traffic into an adjoining residential neighborhood before approving any such PZD. Persons are "related" for purposes of this definition if they are related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship. The definition of "family" does not include fraternities, sororities, clubs or institutional groups."

PASSED and APPROVED this 6th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

C.I. Handed out at 3/6/12 CC mtg.

From: Chris Brown
To: Jordan, Lioneld; Marr, Don
CC: Pate, Jeremy
Date: 3/6/2012 4:46 PM
Subject: Payment for Easements by Other Cities

Below is feedback on easement valuations by local Cities. I talked to everyone today except for Patsy Christie (I got this info from previous conversations with her, and it is the same as when I worked at Springdale), and Steve Glass (Paul Libertini talked to him today):

Bentonville: Usually pay per linear foot (as an example, 20 foot wide easement is \$6/LF). Appraisals are usually not done; tax records or other data may be used to adjust offers up or down. Source: Ben Peters, City Engineer

Rogers-Pay 10-25% of fee simple value, sometimes use a per linear foot similar to Bentonville. Definitely do not pay 100% of fee simple value. Source: Steve Glass, City Engineer

Fort Smith-Typically have easements appraised, and offer the amount determined by the appraiser. Usually appraised value of an easement encumbrance does not represent full fee simple value. Source: Stan Snodgrass, City Engineer

Siloam Springs: 20% of fee simple value. Source: Justin Bland, City Engineer

Springdale: 25% of fee simple value. Source: Patsy Christie, Director of Planning and Community Development

CB



REFORM FAYETTEVILLE'S Eminent Domain

Mar 6, 2012 statement to Fay city council

Fayetteville's present Eminent Domain Condemnation Procedure

From the 1874 AR Constitution's Declaration of Rights, Article 2, Section 22 "the right of property is before and higher than any constitutional sanction...". We believe that Fayetteville's present policy offering 25 or 33% of current appraisal value for a municipal "Permanent" or "General Utility" easement does not meet that constitutional requirement. We request that the city council halt their planned condemnation proceedings against another 8 Fayetteville property owners along the route of the N. Garland Corridor Enhancement Project. Instead we ask they review and reform Fayetteville's eminent domain condemnation procedure before taking any further condemnation actions against its citizens.

The founding members of ReformFED experienced this same Fayetteville condemnation proceeding back in Nov. of 2010 as the city prepared for the Cato Springs Rd. Corridor Enhancement Project. We observed Fayetteville's land acquisition negotiating team "forgetting" to include landscaping damages in impacted property owner's settlement terms and "mistakenly" including broad contradictory permissible uses for the "Permanent" easements in many of these contracts for which Fay only offers these 25 or 33% values. In addition city staff selectively sent out a very forcefully written letter demanding that 18 of our neighbors accept what was generally believed to be a low, inadequate settlement offer or face the city's hostile condemnation proceedings on Oct. 19, 2010. Without contacting these same citizens to correct this timeline the city did not proceed with condemnation on that date as threatened. Several of our elderly neighbors were sufficiently intimidated and settled for terms they did not believe to be equitable. Natural and historically significant elements including mature 100 yr old trees are regularly discounted and unnecessarily lost as city construction projects are planned and carried out.

We Deserve Better.

1410 Cato Springs Rd., Fayetteville, AR 72701

reformfed.org



Fayette Junction Cottonwood Tree

Additional information
handed out at the 3/6/12
City Council mtg

City Council Meeting of: March 6, 2012
Agenda Item Number:



AVIATION DIVISION
FAYETTEVILLE EXECUTIVE AIRPORT • DRAKE FIELD

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor Jordan

THRU: Chief of Staff

THRU: Staff/Contract Review Committee

THRU: Terry Gulley, Transportation Director

FROM: Ray M. Boudreaux, Aviation Director

DATE: March 2, 2012

SUBJECT: Approve Contract for Hangar Remodel Project to Pick-It Construction Inc. in the amount of \$235,100.00. Approve a Budget Adjustment. Approve revised Grant Application for \$263,250.00 Total Project Cost.

RECOMMENDATION: Approve contract with Pick-It Construction, Inc. in the amount of \$235,100.00 for the Hangar Remodel Project for South Delta Aviation and a revised grant application to State Aeronautics and a Budget Adjustment. Signature of the Mayor.

BACKGROUND: South Delta Aviation has applied to lease the former AATC School Hangar for its business which is the purchase and resale of aircraft. The company has been in business for 30 years in West Helena Arkansas and is moving to Fayetteville. They have asked to occupy the building June 1, 2012 and will pay the Airport \$3,000.00 per month rent. They have signed the lease and are ready to move in on the 1st of June. Bids were opened on February 27, 2012 and the low bid was within the estimated cost of the project provided by McClelland Consulting Engineers and Wittenberg, Delony and Davidson Architects. We ask that the City Council consider this item at the March 6, 2012 meeting so that, if approved, the project can be awarded at the Arkansas Aeronautics meeting of March 14 when the grant application will be considered. This will allow the contractor enough time to get the required work done before the scheduled move in date. The City Council approved a grant application for the project at \$280,000.00 total with grant proceeds of \$224,000.00. The 80/20 grant application has been submitted to the State Aeronautics Department for action by the Aeronautics Commission at their March 14th meeting.

Following receipt of bids, we submitted the grant application to the State including the full amount approved in the January 17, 2012 City Council meeting itemizing the amount

below the engineering estimate as contingency for the project. Aeronautics will not allow a contingency fund for remodel projects. Thus the need to change the BA and the Grant application previously signed by the Mayor and approved by the Council to the lesser amount. Thanks for your consideration and action on this item.

BUDGET IMPACT: The project cost is \$263,250.00 with \$210,600 in grant revenue from the Arkansas Aeronautics Commission leaving \$52,650.00 from the Airport Fund Balance.

Attachments: Staff Review
Bid Tab
Bid from Pick-It Construction
Contract with Pick-It Construction Inc.
Revised Grant Application
Budget Adjustment

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #12-22 AND AUTHORIZING A CONTRACT WITH PICK-IT CONSTRUCTION, INC. IN THE AMOUNT OF \$235,100.00 FOR CONSTRUCTION OF ALTERATIONS AND IMPROVEMENTS TO THE HANGAR AT 4248 S. SCHOOL AVENUE, AMENDING RESOLUTION NO. 12-12 AUTHORIZING APPLICATION FOR AND ACCEPTING AN 80/20 GRANT FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS TO PARTIALLY FUND THE PROJECT, AND APPROVING A BUDGET ADJUSTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #12-22 and authorizes a contract with Pick-It Construction, Inc. in the amount of \$235,100.00 for construction of alterations and improvements to the hangar at 4248 S. School Avenue.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends Resolution No. 12-12 and authorizes application for and acceptance of an 80/20 grant from the Arkansas Department of Aeronautics to partially fund the project.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

PASSED and APPROVED this 6th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

V11.0415

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

<u><i>[Signature]</i></u> Division Head	<u>2/29/12</u> Date	Prepared By: <u>James Nicholson</u> <i>jnicholson</i>
<u><i>[Signature]</i></u> Budget Director	<u>3-2-2012</u> Date	Reference: _____
Budget & Research Use Only		
<u><i>[Signature]</i></u> Department Director	<u>3-2-12</u> Date	Type: A B C <u>D</u> E P
<u><i>[Signature]</i></u> Finance Director	<u>3/6/12</u> Date	General Ledger Date _____
<u><i>[Signature]</i></u> Chief of Staff	<u>3-6-12</u> Date	Posted to General Ledger _____
<u><i>[Signature]</i></u> Mayor	<u>3/8/12</u> Date	Checked / Verified _____ _____ Initial Date

tabbles®

EXHIBIT

A

State Airport Aid Application – Page 1

The City/County of Fayetteville, Washington County Arkansas, herein called "Sponsor", hereby makes application to the Arkansas Department of Aeronautics for State funds pursuant to Act 733 of 1977, for the purpose of aiding in financing a project for the development of a municipal airport located in the city of Fayetteville, Arkansas, Washington County.

Date of Request: January, 2012

Name of Airport: Fayetteville Executive Airport, Drake Field

Name and address of City/County Commission
sponsoring request:

Lionel Jordan, Mayor
City Of Fayetteville

Person to Contact about project:
Ray M. Boudreaux, Director
Drake Field

Phone Number: 479-575-8330
Fax Number: 479-575-8257

Phone Number: 479-718-7642
Cell Number: 479-601-3520
Fax Number: 479-718-7646

Name and address of Engineering Firm
(if applicable):

McClelland Consulting Engineers
1810 N. College
Fayetteville, AR 72703

Contact Person: Wayne Jones

Phone/Fax Number: 479-443-2377/9241

Describe the work to be accomplished: Rehabilitation of hangar for Aviation Business, South Delta Aviation, Inc. Project includes removing modifications made to the building for the former Arkansas Aviation Technical Center, repair and motorization of hangar doors, paint and floor coverings and fire code compliance.

State and Local Project Costs:
Please indicate:

- ☐ 50-50% Match
- ☒ 80-20% Match
- ☐ 90-10% Match
- ☐ 100%

Total Cost of Project \$263,250.00
Local Share/Funds \$ 52,650.00
Local Share/In-Kind _____
State Share \$210,600.00

Federal AIP Projects:

AIP Number: _____
☐ 95-5% Match

Total Cost of Project: _____
Federal Share: _____
State Share: _____
Local Share: _____

State Airport Aid Application – Page 2

Provide the information listed below as it applies to your project:

Funding:

Source of Funds: Arkansas Department of Aeronautics and Fayetteville Executive Airport, Drake Field

Fund Balance _____

Source of In-Kind Services: _____

Estimated starting date of project: _____ March 1, 2012 _____

Estimated completion date of project: _____ May 31, 2012 _____

Project will be for: New Airport Existing Airport

Is land to be leased or purchased? No _____

Description of land and cost per acre: _____

Provide the Federal AIP Grant Number (if applicable): _____

State Legislators for your area:

State Senator: _____ Senator Sue Madison _____

State Representative: _____ Representative Uvalde Lindsey _____

State Airport Aid Application – Page 3

The sponsor agrees to furnish the Arkansas Department of Aeronautics a copy of the legal instrument affecting use of the property for an airport. In application for a new landing site or expansion of existing facility, the FAA Form 7480-1, *Notice of Landing Area Proposal*, must be approved by the FAA before review for grant can be made by the State. Applications for hangar construction or renovation funds must include a signed lease agreement. This agreement must be in compliance with all FAA grant assurances. The application must be based on bids and include a calculated return on investment.

No land, hangars, or buildings purchased with State Grant funds may be sold or disposed of without State Aeronautics Commission prior approval. All requests for sale or disposal of property will be considered on an individual case basis. No hangar (funded by a grant from the Department of Aeronautics) shall be used for non-aviation purposes without State Aeronautics Commission prior approval. All requests for non-aviation use will be considered on a case-by-case basis. Failure to receive prior approval from A.D.A. concerning land and/or building use could result in the commission requesting grant refund from the Sponsor. Additionally, all hgr/building grant applications must include proof of insurance coverage.

No airport accepting State Grant funding may issue an Exclusive Rights lease.

All applications for navigational aids (such as NDB or ILS) must have FAA site approval before a state grant can be approved.

All Grant applications involving Federal Airport Improvement Program (AIP) funding must be accompanied by the approved FAA grant agreement with grant number assigned.

If this project is approved by the Arkansas Department of Aeronautics, and is accepted by the sponsor, it is agreed that all developments and construction shall meet standard FAA construction practices as outlined in the specifications of this agreement. Runways, Taxiways, Parking Ramps, etc. shall have a base and a thickness that will accommodate the weight of aircraft expected to operate at this airport.

All grant applicants (City and/or County) are totally responsible for compliance with all Federal, State, County, and City laws, Statutes, Ordinances, Rules, Regulations, and Executive Orders concerning contracts and purchases for which this grant is approved and issued.

It is understood and agreed that the sponsor shall start this project immediately upon award of grant. It is also agreed that this project shall be completed within one year from the date of acceptance of this grant by the Arkansas Department of Aeronautics. Applications for extension will be entertained if circumstances beyond the sponsor's control occur. Amendment requests are to be made only under extraordinary circumstances.

Funds will be disbursed according to Department procedures and final inspection of completed project (See payment instruction page). Payment of grant funds are contingent upon the Department's annual appropriation.

IN WITNESS WHEREOF, the sponsor has caused this Application for State Airport Aid to be duly executed in its name, this _____ day of _____, 20__.

Lioneld Jordan

Name of Sponsor

Authorized Signature

Mayor

Title



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

AVIATION DIVISION
4500 S School Ave, Ste F
Fayetteville, AR 72701
P (479) 718-7642

February 29, 2012

John Knight, Director
Arkansas Aeronautics Department
2315 Crisp Dr., Hangar 8
Little Rock, Arkansas 72201

Via email: john.knight@arkansas.gov

Greetings Director Knight and Members of the Commission:

Thank you for this opportunity to apply for an 80/20 grant for the Remodel of a 17,000 square foot Hangar for South Delta Aviation, Inc. South Delta has leased the Hangar for their business at Drake Field which involves the purchase, resale, maintenance and repair of aircraft. The Hangar was modified in 1996 for the Arkansas Aviation Technology Center to train A&P students, but failed due to lack of student interest in 2007. This project will put the building back into its original form and repair and improve the Hangar doors which have become completely unusable.

Please find attached a breakout of the project provided by the Engineer, McClelland Consulting Engineers. We advertised and received bids for the project as a lump sum for all the work. We are doing the minimum required to get the building back in shape for a business to be able to use the building to its greatest potential. Picket Construction was the low bidder at \$235,100.00 which was below the Engineering estimate of \$251,850.00.

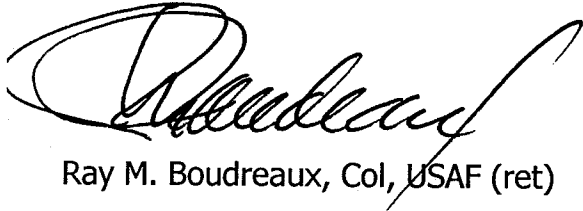
We humbly request your support of this project. Having this aviation related business on the airport will significantly improve the cash flow to the Airport Operations Budget. The Company wishes to take possession of the building by June 1, 2012 so time is of the essence. McClelland Consulting Engineers along with Whittenberg, Delony and Davidson, Architects and Engineering Elements PLLC designed and engineered the project. The major items associated with the project are:

McClelland Consulting Engineers Task Order #7	\$27,150.00
Project design, engineering, bidding services and project oversight	
Project Administration	1,000.00
Demolition	22,000.00
Hangar Door Repair	90,100.00
Second Floor Restroom	12,000.00
Paint and Floor Coverings	44,500.00
Electrical, HVAC and Alarm Improvements	25,000.00
General Conditions, Profit and Overhead	34,000.00
Concrete Repair	7,500.00
 Total for Hangar Rehab Project	 \$263,250.00

I have attached several items for your information: A copy of the ALP designating the Hangar to be worked on with this grant, The Lease with South Delta Aviation, Inc., The Application for the Grant, Task Order No. 7 with McClelland Consulting Engineers, The Bid Tab which includes all the bids received for the project, and, a copy of the Construction Documents. We will ask the Mayor to sign a contract with Picket Construction, low bidder, once the City Council approves the project and the Aeronautics Commission approves this grant request.

Thank you again for your support of Fayetteville Drake field. Should you have questions concerning this request please call.

Sincerely,



Ray M. Boudreaux, Col, USAF (ret)

Attachments

RESOLUTION NO. 12-12

A RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF AN ARKANSAS DEPARTMENT OF AERONAUTICS 80/20 GRANT IN THE AMOUNT OF \$224,000.00 FOR IMPROVEMENTS TO THE FORMER AATC HANGAR BUILDING AT DRAKE FIELD

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes application for and acceptance of an Arkansas Department of Aeronautics 80/20 Grant in the amount of \$224,000.00 for improvements to the former AATC hangar building at Drake Field.

PASSED and APPROVED this 17th day of January, 2012.

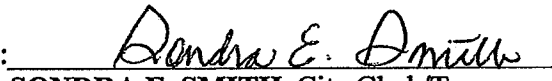
APPROVED:

ATTEST:

By:


LIONELD JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer



RESOLUTION NO. 13-12

A RESOLUTION APPROVING TASK ORDER NO. 7 TO THE CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF \$27,150.00 TO DESIGN THE REHABILITATION OF THE FORMER AATC HANGAR BUILDING AT DRAKE FIELD, AND APPROVING A BUDGET ADJUSTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes application for and acceptance of an Arkansas Department of Aeronautics 80/20 Grant in the amount of \$224,000.00 for improvements to the former AATC hangar building at Drake Field.

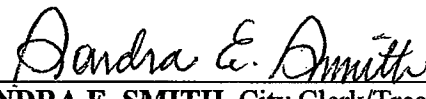
Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

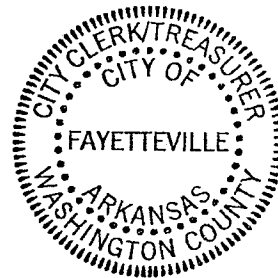
PASSED and APPROVED this 17th day of January, 2012.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
March 6, 2012**

A meeting of the Fayetteville City Council will be held on March 6, 2012 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. 4th Quarter Financial Report 2011, Paul Becker, Finance Director

Agenda Additions:

A. Consent:

1. Approval of the February 21, 2012 City Council meeting minutes.
2. **Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area:** A resolution approving a budget adjustment in the amount of \$98,808.00 recognizing revenue from the Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area.

3. **Lifestyles, Inc. Rehabilitation:** A resolution approving a contract in the amount of \$22,530.00 with Joe Perme Construction Inc. for a Community Development Block Grant (CDBG) rehabilitation at Lifestyles, Inc. (2479 W. Sycamore).
4. **Water and Sewer Relocation AHTD-Utility Agreement:** A resolution approving a contract with the Arkansas State Highway and Transportation Commission regarding utility construction and relocation of water and sewer utilities related to the Highway 112 Spur (Garland Avenue) Widening and Improvement Project.
5. **Garver, LLC:** A resolution approving a contract with Garver, LLC in an amount not to exceed \$40,000.00 for professional engineering services related to the renovation of the Wilson Park swimming pool deck and interior.
6. **4248 S. School Ave. Hangar Improvements:** *A resolution and contract will be handed out at Agenda Session.*

B. Unfinished Business:

1. **Amend Chapter 151 Definition of “Family”:** An ordinance to amend the definition of “Family” found in Chapter 151 Definitions of the Unified Development Code to allow the City Council to authorize up to five (5) unrelated persons in some units of a Planned Zoning District. ***This ordinance was left on the First Reading at the February 7, 2012 City Council meeting. This ordinance was left on the Second Reading at the February 21, 2012 City Council meeting.***

Left on the Second Reading

C. Public Hearing:

1. **Garland Avenue Water and Sewer Relocation Project:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Glen David Wilson Trust & Linda Kay Hinkle, Caren E. & Richard L. Hanna, Bob L. & Wilma B. Bonds, Margot Khavinson, Remington C. Hendrix, Spirits Shop, Inc., and Donald W. & Brenda Sue Johnston needed for water and sewer relocations along N. Garland Avenue, and approving a budget adjustment.

D. New Business:

1. **City of Elkins Cost-Share Agreement:** A resolution approving a cost-sharing agreement with the City of Elkins in an amount not to exceed \$150,000.00 for replacement and improvements of the Elkins Outfall Sewer Line.
2. **Rosetta Construction, LLC:** A resolution to approve a construction contract with Rosetta Construction, LLC for \$692,223.00 with a contingency of \$50,000.00 to construct the Elkins Outfall Gravity Sewer Improvements and to approve the attached budget adjustment of \$416,818.00.

3. **RZN 12-4024 (1934 E. Huntsville Rd./Stiles):** An ordinance rezoning that property described in rezoning petition RZN 12-4024, for approximately 0.4 acres, located at 1934 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre to NS, Neighborhood Services.
4. **Amend §114.03 First Thursday Fayetteville:** An ordinance to amend §114.03 First Thursday Fayetteville to close all streets around the square from 4:00 p.m. to 10:00 p.m. during First Thursday and to give control of all parking around the square (both inside and outside) to the Fayetteville Convention and Visitors Bureau during First Thursday.
5. **Bid #12-15 B&A Property Maintenance:** A resolution awarding Bid #12-15 and authorizing a contract with B&A Property Maintenance in a total amount of \$225,713.00 for the maintenance of trees, and approving a five percent (5%) project contingency.

E. City Council Agenda Session Presentations:

1. 2012 Audit Plan – Vicki Deaton, Internal Auditor

City Council Tour:

Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the **Rules of Order and Procedure of the Fayetteville City Council** pertaining to City Council meetings:

- (a) **Agenda additions.** A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.
- (b) **Consent Agenda.** Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.
- (c) **Old business and new business.**
 - (i) **Presentations by staff and applicants.** Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aides in a City Council meeting as part of their presentation.
 - (ii) **Public comments.** Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.
- (d) **Courtesy and respect.** All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

A copy of the complete City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

City of Fayetteville Staff Review Form

A. 2
Office of National Drug Control
Policy Gulf Coast High Intensity
Drug Trafficking Area
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

3/6/2012

City Council Meeting Date
Agenda Items Only

Greg Tabor
Submitted By

Drug Enforcement
Division

Police
Department

Action Required:

Approval of a budget adjustment to recognize federal funding from the Gulf Coast High Intensity Drug Trafficking Area in the amount of \$98,808.

\$ 98,808.00	\$ -	2012 WAMDT
Cost of this request	Category / Project Budget	Program Category / Project Name
2930-2960-5120.00		
2930-2960-5379.07	\$ -	Drug Enforcement
Account Number	Funds Used to Date	Program / Project Category Name
08070.1202	\$ -	Drug Enforcement
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒

Mike Reynolds
Department Director

02/16/2012
Date

Previous Ordinance or Resolution # _____

John Kelly
City Attorney

2-16-12
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bisher
Finance and Internal Services Director

2-17-2012
Date

02-16-12 P03:41 RCVD
Received in City
Clerk's Office

Jim Ma
Chief of Staff

2-17-12
Date

Timothy Jordan
Mayor

2/21/12
Date

Received in
Mayor's Office



Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council Members
From: *Greg Tabor*
Greg Tabor, Chief of Police
Date: February 17, 2012
Subject: Approval of a Budget Adjustment for federal funding from the Gulf Coast High Intensity Drug Trafficking Area

PROPOSAL:

The Gulf Coast High Intensity Drug Trafficking Area (HIDTA) provides federal funding from the Office of National Drug Control Policy to multi-jurisdictional drug enforcement initiatives throughout Arkansas, Louisiana, Mississippi, Alabama, and Tennessee. The Fayetteville Police Department has partnered with Washington County Sheriff's Office, Springdale Police Department, Prairie Grove Police Department, and the local Drug Enforcement Administration office to create the Western Arkansas Mobile Deployment Team (WAMDT) initiative with Washington County being the fiduciary agency.

WAMDT's mission is to fight the war on drugs at the street level in order to infiltrate and disrupt drug trafficking organizations (DTOs) and the Gulf Coast HIDTA funds overtime for investigator activity and buy money for the purchase of evidence/purchase of information (PEPI). The Gulf Coast HIDTA has approved 2012 funding for the Fayetteville Police Department in the amount of \$98,808. This amount represents overtime funding for four (4) investigators at \$17,202 each including benefits and PEPI in the amount \$30,000. This funding has a two year life span and must be spent by December 31, 2013. WAMDT is currently preparing their 2013 funding request to the Gulf Coast HIDTA, however, future allocations are contingent upon congressional approval.

RECOMMENDATION:

Staff recommends approval of the budget adjustment to recognize federal funding from the Gulf Coast HIDTA in the amount of \$98,808. If you should have any comments or question regarding this federal funding award, please contact me at extension 500.

BUDGET IMPACT:

Increase in budgeted revenue equal to the increase in budgeted expense. No matching funds required.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$98,808.00 RECOGNIZING REVENUE FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$98,808.00 recognizing revenue from the Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area. A copy of the budget adjustment is attached to this Resolution as Exhibit "A".

PASSED and APPROVED this 6th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

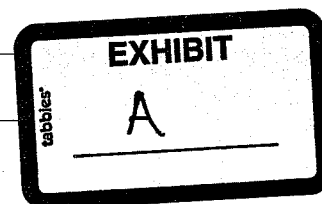
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

A. 2 V11.0425
Office of National Drug Control
Policy Gulf Coast High Intensity
Investment Number
Page 4 of 6

Establish revenue and expense budgets in Project Accounting to track federal funding from the Gulf Coast High Intensity Drug Trafficking Area (HIDTA) Initiative for Fayetteville's portion of the Western Arkansas Mobile Deployment Team (WAMDT).

[illegible]

1 of 4





COPY

**RECAP GULF COAST HIDTA INITIATIVES 2012 BUDGET PROCESS
OPERATIONS SUB COMMITTEE RECOMMENDATIONS**

INITIATIVE NAME Award Recipient/Resource Recipient	FY 2012 1ST DRAFT	OPS SUB COMMITTEE CUTS & ENHANCEMENTS	APPLIED DECREMENTS (PY Excess Funds)	FY 2012 W/ DECREMENTS & CUTS(Proposed Budgets)	TOTAL Spending Plan 2012(Proposed Budget +PY Excess)
WESTERN ARKANSAS MDT					
WCSO-Fayetteville Police Department	\$ 98,808	\$ -	\$ -	\$ 98,808	\$ 98,808
WCSO-Prairiegrove Police Department	\$ 17,202	\$ -	\$ -	\$ 17,202	\$ 17,202
WCSO-Springdale Police Department	\$ 34,404	\$ -	\$ -	\$ 34,404	\$ 34,404
WCSO-Washington County Sheriff's Office	\$ 17,202	\$ -	\$ -	\$ 17,202	\$ 17,202
TOTAL	\$ 167,616	\$ -	\$ -	\$ 167,616	\$ 167,616

Budget Detail

2012 - Gulf Coast

Initiative - Western Arkansas Mobile Deployment Team

Award Recipient - County of Washington (G12GC0004A)

Resource Recipient - Fayetteville Police Department

Input		\$98,808.00	
Overtime	Quantity	Amount	Comments
Investigative - Law Enforcement Officer	4	\$68,808.00	4 positions @ \$17202 ea
Total Overtime		\$68,808.00	
Other	Quantity	Amount	Comments
PE/PI/PS	0	\$30,000.00	
Total Other		\$30,000.00	
Total		\$98,808.00	

City of Fayetteville Staff Review Form

A. 3
Lifestyles, Inc. Rehabilitation
Page 1 of 22

**City Council Agenda Items
and
Contracts, Leases or Agreements**

3/6/2012

City Council Meeting Date
Agenda Items Only

<u>Yolanda Fields</u>	<u>Community Services</u>	<u>Development Services</u>
Submitted By	Division	Department

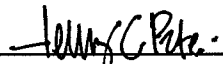
Action Required:

Approval of PO for Life Styles Inc. Rehabilitation Project

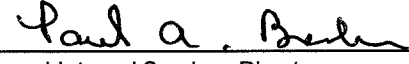
\$ <u>22,530.00</u>	\$ <u>37,776.00</u>	
Cost of this request	Category / Project Budget	Program Category / Project Name
<u>2180.4990.5390.34</u>	\$ <u>240.70</u>	
Account Number	Funds Used to Date	Program / Project Category Name
<u>LS-2012</u>	\$ <u>37,535.30</u>	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

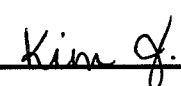
<u></u>	<u>02-15-2012</u>	Previous Ordinance or Resolution # _____
Department Director	Date	

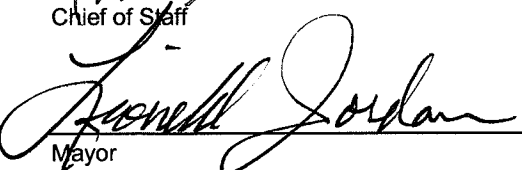
<u></u>	<u>2-15-12</u>	Original Contract Date: _____
City Attorney	Date	Original Contract Number: _____

<u></u>	<u>2-15-2012</u>
Finance and Internal Services Director	Date

Received in City Clerk's Office 02-15-12 P01:19 RCVD

<u></u>	<u>2-15-12</u>
Chief of Staff	Date



<u></u>	<u>2/16/12</u>
Mayor	Date

Received in Mayor's Office

ENTERED
2/15/12
TH

Comments: Staff recommends approval of P.O. for Rehabilitation Project



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director 

From: Yolanda Fields, Community Services Director 

Date: 2-14-12

Subject: CDBG Public Facility Program-Approval of Purchase Order for Life Styles Inc. Rehabilitation Project

PROPOSAL:

The property located at 2479 W. Sycamore is owned by Life Styles Inc. Life Styles Inc. applied for and received funding through the Community Development Block Grant subrecipient program for the replacement of the roof and siding for their apartment buildings. Due to the bids coming in over the project budget, items A and B on the bid document will be deducted from the project. Life Styles Inc. serves over 150 individuals with intellectual or other developmental disabilities.

RECOMMENDATION:

Staff recommends approval of Purchase Order for this project located at 2479 W. Sycamore.

BUDGET IMPACT:

Project cost is approximately \$22,530

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF \$22,530.00 WITH JOE PERME CONSTRUCTION INC. FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REHABILITATION AT LIFESTYLES, INC. (2479 W. SYCAMORE)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a contract in the amount of \$22,530.00 with Joe Perme Construction Inc. for a Community Development Block Grant (CDBG) rehabilitation at Lifestyles, Inc. (2479 W. Sycamore).

PASSED and APPROVED this 6th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)
All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

City Of Fayetteville - Purchase Order (PO) Request										Requisition No.:		Date:	
(Not a Purchase Order)										P.O. Number:		Expected Delivery Date:	
All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)										Mail Yes: _____ No: _____		Quotes Attached Yes: _____ X _____ No: _____	
All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us										Taxable Yes: _____ No: _____		Division Head Approval: _____	
Vendor Name: Joe Perme Construction Inc										Extension: _____		Project/Subproject # _____	
Address: 1874 S Doral Dr										Account Numbers _____		Inventory # _____	
City: Fayetteville										Ship to code: _____		Fixed Asset # _____	
State: AR										Requester's Employee #: _____		Fixed Asset # _____	
Requester: Rachel										Zip Code: 72701		Fixed Asset # _____	
Quantity										Unit Cost		Unit of Issue	
Description										Extended Cost		Lot	
1	Life Styles Rehab	1	22,530.00	\$22,530.00	2180.4990.5390.34	3273	72701	Ship to code:	Division Head Approval:	Extension:	Project/Subproject #	Inventory #	Fixed Asset #
2				\$0.00									
3				\$0.00									
4				\$0.00									
5				\$0.00									
6				\$0.00									
7				\$0.00									
8				\$0.00									
9				\$0.00									
10				\$0.00									
*	Shipping/Handling			\$0.00									
Special Instructions:										Subtotal:		\$22,530.00	
										Tax:			
										Total:		\$22,530.00	

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

RECEIPT OF BIDS

OWNER(S): Lifestyles

ADDRESS: 2471 and 2479 W. Sycamore PROJECT No: LS-2012

PROJECT TITLE: Moderate Rehabilitation of a Commercial Building

BID CLOSING DAY/DATE/TIME: February 13, 2012 4:00 P.M.

CONTRACTOR: Joe Perme Construction
Ded. Alt.

BID AMOUNT: 39,950

A	600.00	
B	16,820.00	
C	8,990.00	F 400.00
D	400.00	
E	11,740.00	G 1000.00

BID AMOUNT: _____

CONTRACTOR: _____

CONTRACTOR: _____

BID AMOUNT: _____

CONTRACTOR: _____

BID AMOUNT: _____

CONTRACTOR: _____

BID AMOUNT: _____

Certified by: Rachel Fields Date: 2/13/12

Witness: [Signature] Date: 2/13/2012

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Deductive Alternates

The Price of the Bid for each alternate shall be the amount deducted from the price of the Total Base bid if the City of Fayetteville selects any of the alternates. The unit price amount for each alternate shall be the same as the unit price amount listed.

- A) Gutters 2471 W. Sycamore: 600⁰⁰
- B) Roofing 2471 W. Sycamore: 16,820⁰⁰
- C) Siding 2479 W. Sycamore: 8,990⁰⁰
- D) Gutters 2479 W. Sycamore: 400⁰⁰
- E) Roofing 2479 W. Sycamore: 11,740⁰⁰
- F) Cleanup: 400⁰⁰
- G) Other: 1000⁰⁰

MY TOTAL BID PRICE FOR THIS PROJECT \$ 39,950⁰⁰

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address: Liscense # 0061550312

Name of Firm: Joe Perme Construction Phone # 479-409-1101

Street address or P O Box 1874 S. Doral Dr. Fayetteville, AR 72701

City / State/ Zip Code _____

Printed Name: Joe Perme Jr

Signature: [Signature] Title: Vice-President

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: LS-2012

DATE ISSUED: 1-30-2011

DATE AND TIME OF OPENING: Monday, 4:00 pm, 2-13-2012

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 2471 and 2479 W. Sycamore. Fayetteville, AR

*In blanks below please quote price for each item and the total for project at the bottom.

A) Gutters 2471 W. Sycamore: 600⁰⁰

B) Roofing 2471 W. Sycamore: 16,820⁰⁰

C) Siding 2479 W. Sycamore: 8,990⁰⁰

D) Gutters 2479 W. Sycamore: 400⁰⁰

E) Roofing 2479 W. Sycamore: 11,740⁰⁰

F) Cleanup: 400⁰⁰

G) Other: 1000⁰⁰

MY TOTAL BID PRICE FOR THIS PROJECT \$ 39,950⁰⁰



CITY OF FAYETTEVILLE

**113 W. Mountain St.
Fayetteville, AR 72701**

INVITATION TO BID

Bid # LS-2012

**Community Services Division
(479) 575-8270**

BID #: LS-2012

DATE ISSUED: 1-30-2012

**DATE & TIME OF OPENING: Monday, February 13, 2012
4:00pm**

CONTACT: Brent Johnson—(479) 575-8270

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

INVITATION TO BID

DATE ISSUED: January 30, 2012

RECEIPT OF BIDS: Monday, 4:00 pm, February 13, 2012
Community Services Division
125 West Mountain Street
Fayetteville AR 72701

COMMUNITY DEVELOPMENT ADMINSTRATOR:
Brent Johnson
Housing Manager
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone (479) 575-8270

BRIEF SCOPE OF PROJECT: Apply vinyl siding and foam over old siding on one apartment building and new roofing on two apartment buildings. Remove gutters from two apartment buildings.

PROJECT NUMBER: LS-2012

PROJECT LOCATION: 2471 and 2479 W. Sycamore Fayetteville, AR 72703

CITY OF FAYETTEVILLE: The City of Fayetteville encourages participation of small, minority and women owned business enterprises in the procurements of goods, services, and construction, either as a general contractor or subcontractor. The City is an affirmative action / equal opportunity employer. Section 55.55 prohibits discrimination against qualified individuals because of their handicapped status.

GENERAL: A copy of the Specifications is available at the Community Services Division's office.

******* Attention! New Requirements! *******

- New permitting requirements, please see attached
- Any bid of over \$20,000 must be accompanied by a certified check or bid bond in an amount not less than five percent (5%) of the amount bid.
- A one hundred percent (100%) performance and payment bond is required with a contract awarded amount of over \$20,000 and filed with the Washington County Circuit Clerk.
- A State of Arkansas Commercial Contractor's License is required for ALL bids.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

SPECIAL TERMS AND CONDITIONS

1. All bids shall be submitted in a sealed envelope and must be submitted on forms provided by the city. No employees of the Community Services and Code Compliance Division are allowed to fill out bid sheets for Contractors.
2. The company or contractor name and project # shall be stated on the face of the sealed bid envelope.
3. Bidders shall include all applicable local, state, and federal sales tax in the bid. The responsibility of payment shall remain with the successful bidder.
4. Prices shall include all labor, materials, profit, insurance, etc., to cover the furnishing of the items of the bid.
5. Bids received after the date and time set for receiving bids will not be considered.
6. The City of Fayetteville reserves the right to accept or reject any and all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City of Fayetteville. The City of Fayetteville shall be able to purchase more or less than the quantity indicated subject to availability of funds.
7. The bid price shall remain good and firm for a period of thirty (90) calendar days from bid opening date; however, the prices may remain firm for a longer period of time if mutually agreeable between bidder and the Owner.
8. All products delivered shall comply with applicable standards of quality.
9. Any exceptions to the requirements of the City of Fayetteville must be noted on the Bid Form or on an attached form.
10. In the event of two or more identical low bids, the contract may be awarded arbitrarily or for any reason to any such bidders, at the discretion of the City of Fayetteville.
11. **The Contractor is to supply the City with evidence of the following:**
 - 1) **Current and valid Certificate of Liability Insurance that includes coverage for**
 - a) **Workman's Compensation and Employer Liability in accordance with the laws of the State of Arkansas,**
 - b) **Commercial General Liability that covers public liability and property damage and**
 - c) **Automobile Liability, if applicable. All premiums and costs shall be paid by the Contractor. In no way will the Owner be responsible in case of accident.**

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

2) Current and valid Commercial license from the State of Arkansas Contractors

Licensing Board.

12. Specifications furnished with this invitation are intended to establish a desired quality or performance level, or other minimum dimensions and capacities, which will provide the best product at the lowest possible price. Other than designated brands and/or models approved as equal to designated products shall receive equal consideration.
13. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
14. Quality, time and probability of performance may be factors in making an award.
15. Any ambiguity in any bid as a result of omission, error, lack of clarity or non-compliance by the bidder with specifications, instructions, and all conditions of bidding shall be construed in the light most favorable to the City of Fayetteville.
16. Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder.
17. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation of bid.
18. Bids must be hand delivered or received by mail in the Community Services Office, 125 West Mountain St. Fayetteville, and AR. 72701, on or before the time of closing listed on the Bid Form. Under no circumstances will faxed bids be allowed.
19. The successful bidder will be required to provide a certificate of insurance to the Community Services Division within ten (10) days of notice of bid award.
20. In the event a contract is entered into pursuant to the "Invitation to Bid", the bidder shall not discriminate against any qualified employee or qualified applicant for employment because of race, sex, color, creed, national origin, or ancestry. The bidder must include in any and all subcontracts a provision similar to the above.
21. The contractor must be prepared to commence work on start date per Notice to Proceed issued by the City Community Services Division, and must complete the work within Thirty (30) calendar days.
22. A Maximum of three payments may be made on each Project. Upon satisfactory completion of 40% of the work and submission of proper documentation, 30% of the contract amount may be released to the contractor with 10% being held as retainer. Upon satisfactory completion of 70% of the work and submission of proper documentation, 60% of

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

the contract amount may be released to the contractor with 10% being held as retainer. Final payment shall be made after satisfactory completion and acceptance of the project. Retainers shall be released with the final payment.

23. A certificate of final inspection by the City of Fayetteville's Building Safety Division must be performed before the release of the final check if applicable.



THE CITY OF FAYETTEVILLE, ARKANSAS

www.accessfayetteville.org

TDD (Telecommunications Device for the Deaf)
(479) 521-1316

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Commercial Permit Application and Plan Review Requirements

The following shall be the submittal requirements:

- **Completion of the Master Permit application and review before any work starts.**
- **"CDBG" will be entered in the Description of Work field.**
- **Specification sheets will be submitted with the application.**
- **CDBG fee waiver sheet for the application process. (Provided by CDBG Staff)**
- **A site plan of the property drawn to scale will be submitted according to permitting procedures.**
- **A floor plan drawn to scale will be submitted indicating where changes to the structure are to occur. This can be done in two parts as before and after with 8 ½ x 11 plans.**
- **The Master permit must be issued before any other permit may be applied for.**

Highland Home Builder, Inc.

Bruce Kerr 479-903-0966

Community Services Spec writer

brucegkerr@netzero.com

Community Services Division

Energy Efficiency Rehabilitation Project

Scope of Project: Apply vinyl siding and foam over old siding on the apartment buildings and install new roofing. Remove and reinstall gutters

Owner's Name: Lifestyles (Dottie Hattel)

Phone: 479-521-3581

Project Location: Apartment Building 2471 and 2479 W Sycamore, Fayetteville, AR

Project # LS-2012

Administrator: Brent Johnson **Phone:** 479-575-8270 **Fax:** 479-444-3445

Contractors Description of Work:

Minimum requirements for bidder: Proof of current Arkansas's Commercial Contractor's license which is provided by the State of Arkansas Contractors Licensing Board, Certificate of Liability Insurance.

GENERAL:

The contractor will be responsible for all aspects of the construction, installation, repairs, and cleanup as stated in the Scope of Work and Specifics at the project location stated above.

Each bidder will be responsible for a complete inspection of the property at the project location before submitting bid. All the distances, measurements, procedures, and listed materials should be verified before submitting your bid to complete the work. The requirements listed here, in the description of work, are general requirements and it will be the responsibility of the winning bidder to assure the City of Fayetteville that the finished project is in compliance with all applicable codes and standards and achieves the goal of raising the efficiency of the building.

The contractor's duties and responsibilities include, but are not limited to, the following:

- 1) Purchasing of all materials.
- 2) Supervision of all employees and subcontractors.
- 3) Coordination with the City of Fayetteville CDBG Administrator, the City of Fayetteville Code Compliance Office and owners.
- 4) Project design.
- 5) Clean up and restoration of all lawns, planters, walking and driving surfaces to their original condition.
- 6) Keep job site safe for others and practice safe working practices as required.

2471 W. Sycamore

A: GUTTERS

- A- 1 Remove gutters and do not reinstall.

B: ROOFING

- B - 1 Remove the existing roof covering, drip edges, flashings and fasteners.
- B - 2 Make any needed repairs to the roof decking using either $\frac{3}{4}$ plywood or boards, similar in quality and dimension, to the existing deck boards.
- B - 3 Cover the entire surface of the exposed decking with 30LB felt paper. Fasteners shall be of a corrosion resistant material.
- B - 4 Install a new roof covering using asphalt -fiberglass, three tab, and self-sealing shingles with a 20 year or greater guarantee. (Approximately 80 square)
- B - 5 Install roof vents if needed.
- B - 6 The contractor will be responsible for replacing all of the roof flashings, drip edges.

It will be the responsibility of the contractor to return to its original condition any interior or exterior surfaces damaged during the installation process.

2479 W. Sycamore

C: SIDING REPLACEMENT

- C - 1 Remove any numbers or signs on the building and reapply them when the siding job is done.
- C - 2 Apply a $\frac{1}{2}$ inch foam over the existing siding or install foam that is designed to fit the contour of the siding.
- C - 2 Install new vinyl siding over foam and apply solid soffit on ceilings and overhangs on the building. Use minimum 0.040 material thickness. (Approximately 1,350 square feet of siding total) The siding picked is Hartland siding, pewter color. Style of the profile must be approved. If a different brand is preferred by the installer it must be approved before installation.
- C - 3 After gutters are taken down, cover old fascia with new aluminum fascia. Bend PVC aluminum over any wood not covered by vinyl to provide a finished look. All porch beams should be covered with soffit material or PVC aluminum. Color picked by the customer for the trim is NAPCO brand metal with the color being 30

Glass White. If a different brand is preferred by the installer it must be approved before installation.

C - 4 Caulk any areas where needed to keep water out.

D: GUTTERS

D- 1 Remove gutters and do not reinstall.

E: ROOFING

E - 1 Remove the existing roof covering, drip edges, flashings and fasteners.

E - 2 Make any needed repairs to the roof decking using either ¾ plywood or boards, similar in quality and dimension, to the existing deck boards.

E - 3 Cover the entire surface of the exposed decking with 30LB felt paper. Fasteners shall be of a corrosion resistant material.

E - 4 Install a new roof covering using asphalt –fiberglass, three tab, and self-sealing shingles with a 20 year or greater guarantee. (Approximately 46 square)

E - 5 Install roof vents if needed.

E - 6 The contractor will be responsible for replacing all of the roof flashings, drip edges.

It will be the responsibility of the contractor to return to its original condition any interior or exterior surfaces damaged during the installation process.

2471 and 2479 W. Sycamore

F: CLEANUP

F - 1 All new, used, and excess construction materials that relate to the job or a change order(s) belongs to the contractor and can be removed from the property by the contractor as needed during the project and shall be removed at completion.

F - 2 All trash and old shingles shall be hauled off by contractor and preferably recycled if possible.

F - 3 All affected areas shall be left broom clean. Use magnets to pick up nails in the yard.

G: OTHER

G- 1 All work or materials which are not directly noted in the Scope of Work and Specifics, but are necessary for the proper carrying out of the obvious intentions thereof, are to be understood as implied work and will be provided for by the contractor as if specifically described or drawn.

- G - 2 All work shall be performed in a workmanlike manner according to common construction practices, according to the specifications set forth in the Community Services Program's General Specification Manual, and with adherence to city, state, and national codes.
- G - 3 Any damage to the dwelling or property caused by the contractor, his/her worker(s) or delivery person, and/or their vehicles during the project shall be repaired to like new conditions.
- G - 4 Where applicable, all electrical work shall be performed by a Arkansas State licensed electrical contractor with adherence to the current National Electrical Code.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: LS-2012

DATE ISSUED: 1-30-2011

DATE AND TIME OF OPENING: Monday, 4:00 pm, 2-13-2012

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 2471 and 2479 W. Sycamore. Fayetteville, AR

*In blanks below please quote price for each item and the total for project at the bottom.

A) Gutters 2471 W. Sycamore: _____

B) Roofing 2471 W. Sycamore: _____

C) Siding 2479 W. Sycamore: _____

D) Gutters 2479 W. Sycamore: _____

E) Roofing 2479 W. Sycamore: _____

F) Cleanup: _____

G) Other: _____

MY TOTAL BID PRICE FOR THIS PROJECT \$ _____

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Deductive Alternates

The Price of the Bid for each alternate shall be the amount deducted from the price of the Total Base bid if the City of Fayetteville selects any of the alternates. The unit price amount for each alternate shall be the same as the unit price amount listed.

- A) Gutters 2471 W. Sycamore: _____
- B) Roofing 2471 W. Sycamore: _____
- C) Siding 2479 W. Sycamore: _____
- D) Gutters 2479 W. Sycamore: _____
- E) Roofing 2479 W. Sycamore: _____
- F) Cleanup: _____
- G) Other: _____

MY TOTAL BID PRICE FOR THIS PROJECT \$ _____

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address:

Name of Firm: _____ Phone # _____

Street address or P O Box _____

City / State/ Zip Code _____

Printed Name: _____

Signature: _____ Title: _____

Bid List

Name	Address	Phone	Email	CC/CDBG
Joe Perme	1874 Doral Dr, Fayetteville, AR 72701	409-1101	joe@joepermeconstruction.com	Both: email specs/bid form
Rick Pershall	PO Box 11, Prairie Grove, AR 72753	601-5215	ar64fay@yahoo.com	
Randy Evans	2700 W Bishop Dr, Rogers, AR 72756		randalleavans1963@gmail.com	email specs and bid forms
Tyler Fochtman	26 W Sunbridge Dr, Fayetteville AR 72701	521-6082	tfochtman@gmail.com	Construction and rehab - email pdf
HDI Contractors	710 Hwy 62-65 S, Harrison, AR 72601	870-743-2323	hdicontractors@gmail.com	everything Attn: Ed Brewer
HDI Contractors	711 Hwy 62-65 S, Harrison, AR 72601	870-743-2324	hdijacob@gmail.com	everything
Schefers Roofing Company	13455 Puppy Creek Rd STE13, Springdale, AR 72756	479-685-6004	jeffw@schefersroofing.com	everything
Lowes	3231 w mlk, Fayetteville, AR 72704		chad.r.snodgrass@store.lowes.com	construction
Ozark Demolition	244 E Baxter Ln, Fayetteville, AR 72701			raze and removals only
Kim Hoadley			kim_hoadley@hotmail.com	
Tom Weidler - Tom's Maintenance		702-609-2040	tom61375@yahoo.com	all
Dovetail Construction	1913 K Street, Rogers, AR 72758		potochnik@cox.net	construction related that do not require lead cert.
Tom Fowler			tom.fowler@rocketmail.com	
Masterpiece Landscapes	924 S Janelle Ave 72701			mowing bid
Jim Shadox		957-1367	shadcoinc@sbcglobal.net	Everything
Maria Camacho			airamareliuga@yahoo.com	Everything
Jerry Spurlock	624 N Devils Den. Rd. Winslow Ar. 72959		634-2109 Cell 445-4557	Mowing and J/D Bid
	just wants to know when things are bid		SUHPIHLLPS@yahoo.com	
Bill	bill@ozarkfoam.net			
John Knight			knighti@sbcglobal.net	



www.accessfayetteville.org

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

THE CITY OF FAYETTEVILLE, ARKANSAS

TDD (Telecommunications Device for the Deaf)
(479) 521-1316

CONTRACTOR'S REQUESTING BID PACKETS

Owner(s) Lifestyles

Project Location: 2471 and 2479 W. Sycamore

Project Number & Title: LS-2012

1. Contractor's Name: Kim Frost @ Dataflex

Address: Dataflex.com

City / State / Zip Code: -distribution only

2. Contractor's Name: EPHAN @ EPHAN BIDDING.COM

Address: _____

City / State / Zip Code: _____

3. Contractor's Name: FLOYD KUIPE

Address: Mrs. South 8005 Y. ABL. CN

City / State / Zip Code: _____

4. Contractor's Name: ~~ANTHONY~~ Bid List

Address: _____

City / State / Zip Code: _____

City of Fayetteville Staff Review Form

A. 4
Water and Sewer Relocation
AHTD-Utility Agreement
Page 1 of 6

**City Council Agenda Items
and
Contracts, Leases or Agreements**

3/6/2012

City Council Meeting Date
Agenda Items Only

David Jurgens

Submitted By

Utilities Capital Projects

Division

Utilities

Department

Action Required:

Resolution to approve the Arkansas State Highway Commission Highway-Utility Construction/Relocation Agreement to relocate water & sewer utilities as required by the AHTD Job 040489 Utilities, Hwy. 112 Spur (Garland Avenue) from North Street to Janice.

\$ -
Cost of this request

\$ -
Category / Project Budget

Program Category / Project Name

Account Number

\$ -
Funds Used to Date

Water/Sewer Improvements
Program / Project Category Name

06035.2250
Project Number

\$ -
Remaining Balance

Water and Sewer and W/S Bonds
Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

David Jurgens
Department Director

13 Feb 12
Date

Previous Ordinance or Resolution #

David Jurgens
City Attorney

2-14-12
Date

Original Contract Date:

Original Contract Number:

Paul A. Babin
Finance and Internal Services Director

2-14-2012
Date

Received in City 02-14-12 P12:31 RCVD
Clerk's Office

David Jurgens
Chief of Staff

2-14-12
Date

Received in
Mayor's Office

ENTERED
2/14/12
PK

David Jurgens
Mayor

2/15/12
Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director
Water/Sewer Committee



Date: February 10, 2012

Subject: Hwy. 112 (Garland Ave.) Water and Sewer Relocation AHTD-Utility Agreement

RECOMMENDATION

City Administration recommends approval of the Highway-Utility Construction/Relocation Agreement with Arkansas State Highway Commission for water and sewer relocations relating to the widening of Hwy. 112 (Garland Ave.) from North Street to Janice Street.

BACKGROUND

Relocation of existing water and sewer lines is required in preparation for the combined Arkansas Highway Department (AHTD) and City widening of Hwy. 112 (Garland Ave.) from North Street to Janice Street. The majority of the existing water and sewer lines in this section of roadway are located within the AHTD right of way (ROW), so the City will bear the majority of the expense to relocate these lines.

DISCUSSION

This agreement obligates the AHTD to pay 6.64% of the total project cost, or an estimated \$101,926.06, and the City to pay the remaining 93.36% estimated at \$1,433,104.94. In general, the AHTD pays for relocating lines currently existing outside the existing ROW, and the City pays for lines that are currently inside the ROW and any increases in capacity. In this arrangement, the City designs, awards, and supervises construction of the utility relocation project, and will submit monthly requests for reimbursement from the AHTD.

Staff expects to advertise for bids for the utility relocations prior to April 1, 2012.

BUDGET IMPACT

This project is funded from several sources, including water and sewer revenue bonds, water and sewer funds, and possibly transportation bond funds. The actual appropriation, and the budget adjustment moving the funds to the project account, will be requested when the construction contract is awarded.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION COMMISSION REGARDING UTILITY CONSTRUCTION AND RELOCATION OF WATER AND SEWER UTILITIES RELATED TO THE HIGHWAY 112 SPUR (GARLAND AVENUE) WIDENING AND IMPROVEMENT PROJECT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with the Arkansas State Highway and Transportation Commission, a copy of which is attached as Exhibit "A", regarding utility construction and relocation of water and sewer utilities related to the Highway 112 Spur (Garland Avenue) Widening and Improvement Project.

PASSED and APPROVED this 6th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

AC
LS XARKANSAS STATE HIGHWAY COMMISSION
HIGHWAY - UTILITY CONSTRUCTION/RELOCATION AGREEMENTState Job No. 040489 (Utilities)County WashingtonFederal Aid Project STP-9142(22)Route 112 Section 1Job Location Hwy. 112 Spur - North
(Fayetteville) (S)Utility Owner City of Fayetteville
Water & Sewer

THIS AGREEMENT, made and entered into this ____ day of _____, 20 __, by and between the Arkansas State Highway Commission, acting by and through the duly authorized representatives of the Arkansas State Highway and Transportation Department, with headquarters at Little Rock, Arkansas, hereinafter referred to as the "Department," and the City of Fayetteville Water & Sewer of Fayetteville, AR acting by and through its duly authorized representatives, hereinafter referred to as the "Owner" WITNESSETH:

The Department proposes to make highway improvements as specified under the above referenced job number and the "Owner" will adjust or relocate its existing facilities as set out in the attached plans and cost estimate.

The Department will participate in the cost of said adjustment/relocation to the extent that eligibility is hereinafter established.

Payment will be made on a *lump sum* basis as mutually agreed between "Owner" and "Department."

This agreement is governed by all applicable State and Federal laws, rules, and regulations including the Arkansas State Highway Commission Utility Accommodation Policy adopted by Commission Minute Order 2010-146 as amended and supplemented, the Federal Aid Program Guide on Utility Adjustments and Accommodation on Federal Aid Highway Projects as amended and supplemented, and the provisions of 23 CFR § 645 as amended and supplemented.

DESCRIPTION OF WORK: See exhibit "A"

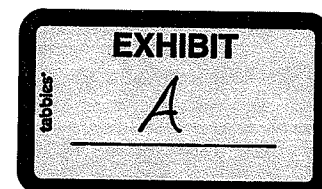
The Department agrees that the required adjustment is 6.64% eligible for reimbursement for the *lump sum* which is estimated to be \$1,535,031.00 of which \$101,926.06 to be paid by the Department and \$1,433,104.94 is to be borne by Owner.

Owner will not commence work until authorized by the Department, and will then endeavor to begin within 120 calendar days and complete within 210 calendar days thereafter.

On completion of said work, "Owner" is responsible for the cleanup and restoration of the work area including the disposal of surplus materials and debris.

Final billing must include all supporting detail. "Owner" shall also submit one (1) set of "as-built" drawings at this time.

Payment will be 100% of lump sum bills and actual cost bills, at the discretion of the Department a 10% retainage can be withheld and released upon completion of an audit review. All final bills for utility relocation are subject to review and audit by state and/or federal auditors.



Expenses incurred under an actual cost agreement may be billed to the Department monthly in increments of \$5,000.00 or more.

"Owner" must maintain cost records and accounts to support the agreed adjustment/relocation work. Said records to be retained and available for inspection for a period of three (3) years from date of final payment.

"Owner" shall be responsible for any and all hazards to persons, property, and traffic.

With respect to traffic control, owner shall adhere to the requirements of the "Manual of Uniform Traffic Control Devices", as amended and supplemented.

Owner shall be responsible for and shall hold harmless the Arkansas State Highway Commission, the Department and their officers and employees from any and all claims, actions, causes of action, suits, damages, losses or liability whatsoever, arising out of Owner's performance of the work subject to this Agreement.

Notwithstanding anything hereinbefore written, neither the "Owner" nor the "Department" by execution of this Agreement waives or relinquishes any rights which either may legally have within the limits of the Law or Constitution, either State or Federal.

City of Fayetteville Water & Sewer

ARKANSAS STATE HIGHWAY COMMISSION
Acting By and Through The
ARKANSAS STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT

Name (Typed or Printed)

(For) Director of Highways & Transportation

Title

Right of Way Division Head

Signature

Section Head-Utilities Section
Right of Way Division

FEDERAL TAXPAYER IDENTIFICATION#

Name (Typed or Printed)

Title

Signature

EXHIBIT "A"

DESCRIPTION OF WORK: Adjust water facilities to clear highway construction from Station 104+00 Lt. to Station 113+50 Lt. by abandoning approximately 949 feet of twelve (12) inch PVC water line complete with appurtenances. Restore service by installing 949 feet of twelve (12) inch PVC water line, 13 feet of eight (8) inch PVC water line, and 17 feet of six (6) inch PVC water line complete with appurtenances. Owner will adjust the remaining facilities on the project at no cost to the Department. The pro rata factor for reimbursement is determined by dividing the estimated reimbursable construction cost over the total construction cost $\$101,990.00/\$1,535,031.00 = 6.64\%$. Owner is to perform this adjustment work by contract forces.

Summary of Reimbursable Cost Station 104+00 Lt. to Station 113+50 Lt.

Construction	\$ 97,670.00	
Erosion Control	\$ 1,950.00	
Audio/Video Tape Recordings	\$ 85.00	
Site Photographs	\$ 85.00	
Trench & Excavation Safety System	\$ 2,200.00	
Total Reimbursable Cost	\$ 101,990.00	\$101,990.00

Summary of Non-reimbursable Cost Station 101+00 to Station 104+00 and Station 113+50 to Station 141+80

Construction	\$ 1,359,361.00	
Erosion Control	\$ 33,050.00	
Audio/Video Tape Recordings	\$ 1,415.00	
Site Photographs	\$ 1,415.00	
Trench & Excavation Safety System	\$ 37,800.00	
Total Non-reimbursable Cost	\$ 1,433,041.00	<u>\$1,433,041.00</u>

Total Job Cost: \$1,535,031.00

Reimbursable Cost $\$1,535,031.00 \times 6.64\% = \$101,926.06$

City of Fayetteville Staff Review Form

A. 5
Garver, LLC
Page 1 of 30City Council Agenda Items
and
Contracts, Leases or Agreements

3/6/2012

City Council Meeting Date
Agenda Items Only

Chase Gipson

Submitted By

Parks

Division

Parks

Department

Action Required:

Staff recommends a resolution approving the agreement for professional engineering services between the City of Fayetteville and Garver, LLC in an amount not to exceed \$40,000 for engineering design associated with the renovation of the Wilson Pool deck and swimming pool interior.

\$40,000

Cost of this request

\$

253,000.00

Category / Project Budget

Wilson Park Improvements

Program Category / Project Name

2250.9255.5314.00

Account Number

\$

-

Funds Used to Date

Wilson Park Improvements

Program / Project Category Name

08002.1101

Project Number

\$

253,000.00

Remaining Balance

Parks Development

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Comie Edmonston
Department Director

2-16-12
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

[Signature]
City Attorney

2-17-12
Date

Paul A. Bush
Finance and Internal Services Director

2-17-2012
Date

Received in City
Clerk's Office

02-17-12 A11:16 RCVD

Kim G.

Don Man
Chief of Staff

2-21-12
Date

Received in
Mayor's Office

ENTERED
2/17/12
PH

[Signature]
Mayor

2/22/12
Date

Comments:



CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director
Alison Jumper, Park Planning Superintendent

From: Chase Gipson, Recreation Superintendent

Date: February 17, 2012

Subject: Resolution to approve a contract for engineering services with Garver, LLC
Agenda Request for March 6, 2012 Meeting

PROPOSAL:

The Wilson Park Swimming Pool is the only municipal pool within the City of Fayetteville and had over 22,000 visitors in 2011 during the eight week summer season. The original Wilson Park Pool was built in the 1930s and has become a well recognized structure within the city over the last 80 years. The pool has undergone renovations at different times throughout its history, with the most recent renovation occurring in 1997.

The pool deck and interior pool surface are in visible need of repair and renovation. In the fall of 2010, Parks and Recreation contracted Garver Engineering to provide a structural analysis of the pool to determine a proper course of action for the aging structure. Based on the results of the analysis, Parks Staff, after consultation with the Parks and Recreation Advisory Board, determined that renovations and repairs to the structurally sound facility were the most cost effective way to continue to provide this popular amenity to the citizens of Fayetteville. The 2010 structural analysis recommended a complete resurfacing of both the pool deck surface and the pool surface, along with repairs and renovations to the necessary areas. Garver estimated this cost to be approximately \$230,000. This project was approved as part of the 2012 CIP, with construction due to begin in August after the pool closes for the season. A selection committee was formed per RFQ 11-01 and met on February 3, 2012. Garver LLC was selected and has provided the attached scope of services and contract price for the requested professional engineering services.

RECOMMENDATION:

Staff recommends a resolution approving the agreement for professional engineering services between the City of Fayetteville and Garver, LLC in an amount not to exceed \$40,000 for engineering design associated with the renovation of the Wilson Pool deck and swimming pool surface.

BUDGET IMPACT:

This project is funded with Parks Development Funds. The cost of \$40,000 is accounted for in project number 08002.1101- Wilson Park Improvements.

Attachments:

Staff Review Form
Agreement Signed by Engineer

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT WITH GARVER, LLC IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE RENOVATION OF THE WILSON PARK SWIMMING POOL DECK AND INTERIOR

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with Garver, LLC, a copy of which is attached as Exhibit "A", in an amount not to exceed \$40,000.00 for professional engineering services related to the renovation of the Wilson Park swimming pool deck and interior.

PASSED and APPROVED this 6th day of March, 2012.

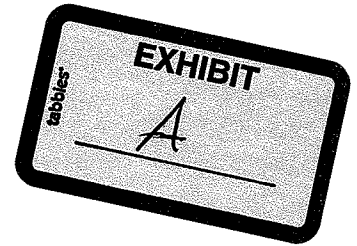
APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

AGREEMENT
For
PROFESSIONAL ENGINEERING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
GARVER, LLC.



THIS AGREEMENT is made as of _____, 2012, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and GARVER, LLC (hereinafter called GARVER).

CITY OF FAYETTEVILLE requires professional engineering services in connection with the renovation of the Wilson Park Pool. Therefore, CITY OF FAYETTEVILLE and GARVER in consideration of their mutual covenants agree as follows:

GARVER shall serve as CITY OF FAYETTEVILLE's professional engineering and architectural consultant in those assignments to which this Agreement applies, and shall give consultation and advice to CITY OF FAYETTEVILLE during the performance of GARVER's services. All services shall be performed under the direction of a professional engineer registered in the State of Arkansas and qualified in the particular field.

SECTION 1 - AUTHORIZATION OF SERVICES

- 1.1 Services on any assignment shall be undertaken only upon written Authorization of CITY OF FAYETTEVILLE and agreement of GARVER.
- 1.2 Assignments may include services described hereafter as Basic Services or as Additional Services of GARVER.
- 1.3 Changes, modifications or amendments in scope, price or fees to this contract shall **not** be allowed without a formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, costs, fees, or delivery schedule.

SECTION 2 - BASIC SERVICES OF GARVER

- 2.1 General
 - 2.1.1 Perform professional services in connection with the Project as hereinafter stated.

- 2.1.1.1 The Scope of Services to be furnished by GARVER during the design is included in Section 2.2 hereafter and in Appendix A attached hereto and made part of this Agreement.
- 2.1.2 GARVER shall coordinate their activities and services with the CITY OF FAYETTEVILLE. GARVER and CITY OF FAYETTEVILLE agree that GARVER has full responsibility for the engineering services.
- 2.2 Engineering Services – Wilson Park Pool Renovations.
- 2.2.1 Perform engineering services for the design as described in the Scope of Services in Appendix A.

SECTION 3 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of GARVER

- 3.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.
- 3.2 Assist GARVER by placing at GARVER's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.
- 3.3 Assist GARVER in obtaining access to property reasonably necessary for GARVER to perform its services under this Agreement.
- 3.4 Examine all studies, reports, sketches, cost opinions, proposals, and other documents presented by GARVER and render in writing decisions pertaining thereto.
- 3.5 The City Recreation Superintendent is the CITY OF FAYETTEVILLE's project representative with respect to the services to be performed under this Agreement. The Recreation Superintendent shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.

- 3.6 CITY OF FAYETTEVILLE and/or its representative will review all documents and provide written comments to GARVER in a timely manner.

SECTION 4 - PERIOD OF SERVICE

- 4.1 This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.
- 4.2 The provisions of this Agreement have been agreed to in anticipation of the orderly progress of the Project through completion of the services stated in the Agreement. GARVER will proceed with providing the authorized services immediately upon receipt of written authorization from CITY OF FAYETTEVILLE. Said authorization shall include the scope of the services authorized and the time in which the services are to be completed. The anticipated schedule for this project is included as Appendix A.

SECTION 5 - PAYMENTS TO GARVER

- 5.1 Compensation

- 5.1.1 Wilson Park Pool Renovations

The maximum not-to-exceed amount authorized for this Agreement is **\$40,000**. The CITY OF FAYETTEVILLE shall compensate GARVER for time spent on the project at the rates described in Appendix B for each classification of GARVER's personnel. In addition, reimbursable expenses, including but not limited to printing, courier service, reproduction, travel, and subconsultants shall be paid to GARVER. For informational purposes, a breakdown of GARVER's estimated costs is included in Appendix B. The rates shown will be increased annually with the first increase effective on or about June 1, 2012.

- 5.1.1.1 Subject to the City Council approval, adjustment of the not-to-exceed amount may be made should GARVER establish and CITY OF FAYETTEVILLE agree that there has been or is to be a significant change in scope, complexity, character, or schedule of the services to be performed; or if CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment. Changes, modifications or amendments in scope, price or fees to this Contract shall **not** be allowed without formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost, fees, or delivery schedule.

5.1.1.2 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for professional services consistent with GARVER's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by GARVER and approved by CITY OF FAYETTEVILLE. Applications for payment shall be accompanied each month by the updated project schedule as the basis for determining the value earned as the work is accomplished. Final payment for professional services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the study and report for the Project.

5.2 Statements

Statements and progress report for each calendar month will be submitted to CITY OF FAYETTEVILLE. Statements will be based on GARVER's actual time and reimbursable expenses accrued to the project.

5.3 Payments

All statements are payable upon receipt and due within thirty (30) days. If a portion of GARVER's statement is disputed by CITY OF FAYETTEVILLE, the undisputed portion shall be paid by CITY OF FAYETTEVILLE by the due date. CITY OF FAYETTEVILLE shall advise GARVER in writing of the basis for any disputed portion of any statement. CITY OF FAYETTEVILLE will make reasonable effort to pay invoices within 30 days of date the invoice is approved. However, payment within 30 days is not guaranteed.

5.4 Final Payment

Upon satisfactory completion of the work performed under this Agreement, as a condition before final payment under this Agreement, or as a termination settlement under this Agreement, GARVER shall execute and deliver to CITY OF FAYETTEVILLE a release of all claims against CITY OF FAYETTEVILLE arising under or by virtue of this Agreement, except claims which are specifically exempted by GARVER to be set forth therein. Unless otherwise provided in this Agreement or by State law or otherwise expressly agreed to by the parties to this Agreement, final payment under this Agreement or settlement upon termination of this Agreement shall not constitute a waiver of CITY OF FAYETTEVILLE's claims against GARVER or his sureties under this Agreement or applicable performance and payment bonds, if any.

SECTION 6 - GENERAL CONSIDERATIONS

6.1 Insurance

- 6.1.1 During the course of performance of these services, GARVER will maintain (in United States Dollars) the following minimum insurance coverages:

<u>Type of Coverage</u>	<u>Limits of Liability</u>
Workers' Compensation Employers' Liability	Statutory \$500,000 Each Accident
Commercial General Liability Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Automobile Liability: Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Professional Liability Insurance	\$1,000,000 Each Claim

GARVER will provide to CITY OF FAYETTEVILLE certificates as evidence of the specified insurance within ten days of the date of this Agreement and upon each renewal of coverage.

- 6.1.2 CITY OF FAYETTEVILLE and GARVER waive all rights against each other and their officers, directors, agents, or employees for damage covered by property insurance during and after the completion of GARVER's services.

6.2 Professional Responsibility

- 6.2.1 GARVER will exercise reasonable skill, care, and diligence in the performance of GARVER's services and will carry out its responsibilities in accordance with customarily accepted professional engineering practices. CITY OF FAYETTEVILLE will promptly report to GARVER any defects or suspected defects in GARVER's services of which CITY OF FAYETTEVILLE becomes aware, so that GARVER can take measures to minimize the consequences of such a defect. CITY OF FAYETTEVILLE retains all remedies to recover for its damages caused by any negligence of GARVER

6.3 Cost Opinions and Projections

Cost opinions and projections prepared by GARVER relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on GARVER's experience, qualifications, and judgment as a design professional. Since GARVER has no control over weather, cost and availability of labor, material and equipment, labor productivity, construction Contractors' procedures and methods, unavoidable delays, construction Contractors' methods of determining prices, economic conditions, competitive bidding or market conditions, and other factors affecting such cost opinions or projections, GARVER does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost opinions and projections prepared by GARVER.

6.4 Changes

CITY OF FAYETTEVILLE shall have the right to make changes within the general scope of GARVER's services, with an appropriate change in compensation and schedule only after Fayetteville City Council approval of such proposed changes and, upon execution of a mutually acceptable amendment or change order signed by the Mayor of the CITY OF FAYETTEVILLE and the duly authorized officer of GARVER.

6.5 Termination

6.5.1 This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

6.5.1.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

6.5.1.2 An opportunity for consultation with the terminating party prior to termination.

6.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that GARVER is given:

6.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

- 6.5.2.2 An opportunity for consultation with the terminating party prior to termination.
- 6.5.3 If termination for default is effected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but
 - 6.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,
 - 6.5.3.2 Any payment due to GARVER at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of GARVER's default.
- 6.5.4 If termination for default is effected by GARVER, or if termination for convenience is effected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to GARVER for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by GARVER relating to commitments which had become firm prior to the termination.
- 6.5.5 Upon receipt of a termination action under Paragraphs 6.5.1 or 6.5.2 above, GARVER shall:
 - 6.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),
 - 6.5.5.2 Deliver or otherwise make available to CITY OF FAYETTEVILLE all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by GARVER in performing this Agreement, whether completed or in process.
- 6.5.6 Upon termination under Paragraphs 6.5.1 or 6.5.2 above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.
- 6.5.7 If, after termination for failure of GARVER to fulfill contractual obligations, it is determined that GARVER had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of CITY OF FAYETTEVILLE. In such event, adjustments of the agreement price shall be made as provided in Paragraph 6.5.4 of this clause.

6.6 Delays

In the event the services of GARVER are suspended or delayed by CITY OF FAYETTEVILLE or by other events beyond GARVER's reasonable control, GARVER shall be entitled to additional compensation and time for reasonable costs incurred by GARVER in temporarily closing down or delaying the Project.

6.7 Rights and Benefits

GARVER's services will be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

6.8 Dispute Resolution

6.8.1 Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and GARVER which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of CITY OF FAYETTEVILLE or GARVER in the performance of this Agreement, and disputes concerning payment.

6.8.2 Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given under Paragraph 6.8.3, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in Paragraphs 6.8.3 and 6.8.4 have been complied with.

6.8.3 Notice of Dispute

6.8.3.1 For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a claim is based, the party seeking relief shall serve the other party with a written Notice;

6.8.3.2 For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give GARVER written Notice at the address listed in Paragraph 6.14 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature

and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.

6.8.4 Negotiation: Within seven days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and GARVER shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President or Chief Engineer of GARVER and the Mayor of CITY OF FAYETTEVILLE or his designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 days of the written request to resolve the dispute.

6.9 CITY OF FAYETTEVILLE represents that it has sufficient funds or the means of obtaining funds to remit payment to GARVER for services rendered by GARVER.

6.10 Publications

Recognizing the importance of professional development on the part of GARVER's employees and the importance of GARVER's public relations, GARVER may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to GARVER's services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to GARVER. CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise CITY OF FAYETTEVILLE will not unreasonably withhold approval. The cost of GARVER's activities pertaining to any such publication shall be for GARVER's account.

6.11 Indemnification

6.11.1 CITY OF FAYETTEVILLE agrees that it will require all construction Contractors to indemnify, defend, and hold harmless CITY OF FAYETTEVILLE and GARVER from and against any and all loss where loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Contractors, or their employees, agents, Subcontractors, and Suppliers.

6.12 Computer Models. GARVER may use or modify GARVER'S proprietary computer models in service of CITY OF FAYETTEVILLE under this agreement, or GARVER may develop computer models during GARVER's service to CITY OF OFAYETTEVILLE under this agreement. Such use, modification, or development by GARVER does not constitute a

license to CITY OF FAYETTEVILLE to use or modify GARVER's computer models. Said proprietary computer models shall remain the sole property of GARVER. CITY OF FAYETTEVILLE and GARVER will enter into a separate license agreement if CITY OF FAYETTEVILLE wishes to use GARVER's computer models.

6.13 Ownership of Documents

All documents provided by CITY OF FAYETTEVILLE including original drawings, disks of CADD drawings and cross sections, estimates, specification field notes, and data are and remain the property of CITY OF FAYETTEVILLE. GARVER may retain reproduced copies of drawings and copies of other documents.

Engineering documents, drawings, and specifications and other hard copy or electronic media prepared by GARVER as part of the Services shall become the property of CITY OF FAYETTEVILLE when GARVER has been compensated for all Services rendered, provided, however, that GARVER shall have the unrestricted right to their use. GARVER shall, however, retain its rights in its standard drawings details, specifications, databases, computer software, and other proprietary property. Rights to intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of GARVER.

Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. GARVER makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

6.14 Notices

Any Notice required under this Agreement will be in writing, addressed to the appropriate party at the following addresses:

CITY OF FAYETTEVILLE's address:
113 West Mountain Street
Fayetteville, Arkansas 72701

GARVER, LLC's address:
2049 E. Joyce Blvd, Suite 400
Fayetteville, Arkansas 72703

6.15 Successor and Assigns

CITY OF FAYETTEVILLE and GARVER each binds himself and his successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither CITY OF FAYETTEVILLE nor GARVER shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

6.16 Controlling Law

This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas without regard to any conflicts of law provisions.

6.17 Entire Agreement

This Agreement represents the entire Agreement between GARVER and CITY OF FAYETTEVILLE relative to the Scope of Services herein. Since terms contained in purchase orders do not generally apply to professional services, in the event CITY OF FAYETTEVILLE issues to GARVER a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether or not signed by GARVER, shall be considered as a document for CITY OF FAYETTEVILLE's internal management of its operations.

SECTION 7 - SPECIAL CONDITIONS

7.1 Additional Responsibilities of GARVER

7.1.1 CITY OF FAYETTEVILLE's review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder shall not in any way relieve GARVER of responsibility for the technical adequacy of the work. Neither CITY OF FAYETTEVILLE's review, approval or acceptance of, nor payment for any of the services shall be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

7.1.2 GARVER shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by GARVER's negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.

7.1.3 GARVER's obligations under this clause are in addition to GARVER's other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against GARVER for faulty materials, equipment, or work.

7.2 Remedies

Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between CITY OF FAYETTEVILLE and GARVER arising out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

7.3 Audit: Access to Records

7.3.1 GARVER shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices consistently applied in effect on the date of execution of this Agreement. GARVER shall also maintain the financial information and data used by GARVER in the preparation of support of the cost submission required for any negotiated agreement or change order and send to CITY OF FAYETTEVILLE a copy of the cost summary submitted. CITY OF FAYETTEVILLE, the State or any of their authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. GARVER will provide proper facilities for such access and inspection.

7.3.2 Records under Paragraph 7.3.1 above, shall be maintained and made available during performance on assisted work under this Agreement and until three years from the date of final payment for the project. In addition, those records which relate to any controversy arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

7.3.3 This right of access clause (with respect to financial records) applies to:

7.3.3.1 Negotiated prime agreements:

7.3.3.2 Negotiated change orders or agreement amendments in excess of \$10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement.

7.3.3.3 Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not apply to a prime agreement, lower tier subagreement or purchase order awarded after effective price competition, except:

7.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of GARVER;

7.3.3.3.2 If there is any indication that fraud, gross abuse or corrupt practices may be involved;

7.3.3.3.3 If the subagreement is terminated for default or for convenience.

7.4 Covenant Against Contingent Fees

GARVER warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by GARVER for the purpose of securing business. For breach or violation of this warranty, CITY OF FAYETTEVILLE shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

7.5 Gratuities

7.5.1 If CITY OF FAYETTEVILLE finds after a notice and hearing that GARVER or any of GARVER's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE, in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to GARVER terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this

Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

7.5.2 In the event this Agreement is terminated as provided in Paragraph 7.5.1, CITY OF FAYETTEVILLE may pursue the same remedies against GARVER as it could pursue in the event of a breach of the Agreement by GARVER. As a penalty, in addition to any other damages to which it may be entitled by law, CITY OF FAYETTEVILLE may pursue exemplary damages in an amount (as determined by CITY OF FAYETTEVILLE) which shall be not less than three nor more than ten times the costs GARVER incurs in providing any such gratuities to any such officer or employee.

7.6 Arkansas Freedom of Information Act

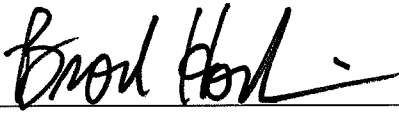
City contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, GARVER will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE, ARKANSAS by and through its Mayor, and GARVER, by its authorized officer have made and executed this Agreement as of the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

GARVER

By : _____
Mayor, Lioneld Jordan

By:  _____
Brock Hoskins, PE

ATTEST:

By: _____
City Clerk

Title: Sr. Vice President/Chief Engineer

Changes, modifications or amendments in scope, price or fees to this Contract shall **not** be allowed without formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost, fees, or delivery schedule.

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

APPENDIX A – SCOPE OF SERVICES

2.1 General

Generally, the scope of services includes surveying, design, bidding services, and partial construction support services for renovations to the Wilson Park Swimming Pool. Improvements will consist primarily of repair of cracks within pool structure and surrounding deck, removal and replacement of pool and deck surface, and repairs to the box culvert structure as recommended in the February, 2011 Structural Investigation Study.

2.2 Surveys

2.2.1 Design Surveys

Garver will provide field survey data for designing the project utilizing assumed coordinates and elevations.

Garver will only conduct field surveys, utilizing radial topography methods, in sufficient detail to determine the pool deck and pool areas required for project quantities. Garver will establish control points for use during construction.

2.2.2 Property Surveys

Property surveys are not anticipated for this project and are excluded from the scope of services.

2.3 Geotechnical Services

The need for Geotechnical services are not anticipated for this project and are excluded from the scope of services.

2.4 Coordination

Garver will furnish plans and obtain all necessary permits to all applicable regulatory agencies. These agencies may include but not limited to the US Corps of Engineers, ADEQ, Arkansas Health Department, and the City of Fayetteville (Grading/Drainage or Building Permit).

Garver will also attend coordination meetings with the Owner and other agencies as required. Garver will prepare exhibits for these meetings when appropriate.

2.5 Conceptual Design

The conceptual design phase submittal will include 30 percent construction plans for the repair of the pool transverse and hairline cracks, recommendations for the pool coating removal & replacement, spot repairs of the concrete deck, recommendations for the removal and replacement of the pool deck surface coating, box culvert spot repairs, list of upgrades to meet current ADA guidelines, and an opinion of probable construction cost of the recommended surface treatments. This conceptual submittal will be for the purpose of coordinating the proposed improvements with the City, selecting the final surface treatments for the project, and identifying improvements to meet ADA guidelines. Garver will not begin preliminary design until the conceptual design is approved by the City.

2.6 Preliminary Design

The preliminary design phase submittal will be excluded for this project. Garver will proceed directly

to final design after approval is granted by the City of the conceptual design.

2.7 Final Design

During the final design phase of the project, Garver will conduct final designs to prepare construction plans and specifications, for one construction contract, including final construction details and quantities, special provisions, and opinion of probable construction cost. Garver will also make final field inspection with City, make any needed plan changes as a result of the final field inspection, and prepare the construction documents as required to advertise for bids.

2.8 Property Acquisition Documents

The need to produce property acquisition documents are not anticipated for this project and are excluded from the scope of services.

2.9 Bidding Services

During the bidding phase of the project, Garver will:

1. Assist in the preparation of the Advertisement for Bids as directed by the City. City will pay advertising costs outside of this contract.
2. Assist in contacting potential bidders.
3. City will dispense construction contract documents to prospective bidders.
4. Support the contract documents by preparing addenda as appropriate.
5. Participate in a pre-bid meeting if necessary.
6. Attend the bid opening.
7. Prepare bid tabulation.
8. Evaluate bids and recommend award.
9. Prepare construction contracts.

2.10 Partial Construction Phase Services

During the construction phase of work, Garver will accomplish the following:

1. Issue a Notice to Proceed letter to the Contractor and attend preconstruction meeting.
2. Attend progress/coordination meetings with the City/Contractor.
3. Evaluate and respond to construction material submittals and shop drawings. Corrections or comments made by Garver on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. Garver's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, Garver shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
4. Issue instructions to the Contractor on behalf of the Owner and issue necessary clarifications (respond to RFIs) regarding the construction contract documents.
5. Review the Contractor's progress payment requests based on the actual quantities of

contract items completed and accepted, and will make a recommendation to the City regarding payment. Garver's recommendation for payment shall not be a representation that Garver has made exhaustive or continuous inspections to (1) check the quality or exact quantities of the Work; (2) to review billings from Subcontractors and material suppliers to substantiate the Contractor's right to payment; or (3) to ascertain how the Contractor has used money previously paid to the Contractor.

6. Provide part-time resident construction observation services for the 75-calendar-day construction contract performance time. The proposed fee is based on approximately 2 hours per day, 3 days per week, during the 75-calendar-day construction contract performance time. If the construction time extends beyond the time established in this agreement or if the City wishes to increase the time or frequency of the observation, the City will pay Garver an additional fee agreed to by the City and Garver.
7. When authorized by the City, prepare change orders for changes in the work from that originally provided for in the construction contract documents. If redesign or substantial engineering or surveying is required in the preparation of these change order documents, the City will pay Garver an additional fee to be agreed upon by the City and Garver.
8. Participate in final project inspection, prepare punch list, review final project closing documents, and submit final pay request.

Construction observation services will be provided by Garver's Resident Project Representative, who will provide or accomplish the following:

- Consult with and advise the City during the construction period.
- Maintain a file of quantities incorporated into the work, test reports, certifications, shop drawings and submittals, and other appropriate information.
- Maintain a project diary which will contain information pertinent to each site visit.

In performing construction observation services, Garver will endeavor to protect the City against defects and deficiencies in the work of the Contractor(s); but Garver cannot guarantee the performance of the Contractor(s), nor be responsible for the actual supervision of construction operations or for the safety measures that the Contractor(s) takes or should take. However, if at any time during construction Garver observes that the Contractor's work does not comply with the construction contract documents, Garver will notify the Contractor of such non-compliance and instruct him to correct the deficiency and/or stop work, as appropriate for the situation. Garver will also record the observance, the discussion, and the actions taken. If the Contractor continues without satisfactory corrective action, Garver will notify the City immediately, so that appropriate action under the City's contract with the Contractor can be taken.

2.11 Project Deliverables

The following will be submitted to the City, or others as indicated, by Garver:

1. Three copies of the Conceptual Design with opinion of probable construction cost of the various surface treatment options.
2. Three copies of the Final Design with opinion of probable construction cost.
3. Three copies of the revised Final Design with opinion of probable construction cost.
4. One copy of the revised Final Plans to each regulatory agency as required.
5. Three copies of the Final Plans and Specifications to the Contractor.
6. Two copies of approved shop drawings/submittals from the Contractor.
7. Electronic files as requested.

2.12 Extra Work

The following items are not included under this agreement but will be considered as extra work:

1. Redesign for the Owner's convenience or due to changed conditions after previous alternate direction and/or approval at a previous design phase.
2. Submittals or deliverables in addition to those listed herein.
3. Design of any piping and filtration systems.
4. Lighting or other electrical design.
5. Preparation of a Storm Water Pollution Prevention Plan (SWPPP).
6. Construction materials testing.
7. Drainage Studies including HEC-RAS and HEC-HMS hydrologic modeling.
8. Environmental Handling and Documentation, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items.
9. Coordination with FEMA and preparation/submittal of a CLOMR and/or LOMR.
10. Services after construction, such as warranty follow-up, operations support, etc.

Extra Work will be as directed by the Owner in writing for an additional fee as agreed upon by the Owner and Garver.

2.13 Schedule

Garver shall begin work under this Agreement within ten (10) days of a Notice to Proceed and shall complete the work in accordance with the schedule below:

Phase Description	Calendar Days
Surveys - Design	10 days from start date
Conceptual Design	30 days from start date
Final Design	40 days from approval of Conceptual Design

APPENDIX B
Fayetteville City Pool Renovations
Garver Hourly Rate Schedule

Classification	Rates
Engineers / Architects	
E-1	\$ 88.00
E-2	\$ 104.00
E-3	\$ 123.00
E-4	\$ 145.00
E-5	\$ 176.00
E-6	\$ 215.00
Planners	
P-1	\$ 106.00
P-2	\$ 124.00
Designers	
D-1	\$ 83.00
D-2	\$ 111.00
Technicians	
T-1	\$ 71.00
T-2	\$ 94.00
Surveyors	
S-1	\$ 42.00
S-2	\$ 52.00
S-3	\$ 70.00
S-4	\$ 99.00
S-5	\$ 127.00
2-Man Crew (Survey)	\$ 160.00
3-Man Crew (Survey)	\$ 200.00
2-Man Crew (GPS Survey)	\$ 180.00
3-Man Crew (GPS Survey)	\$ 220.00
Construction Observation	
C-1	\$ 80.00
C-2	\$ 108.00
C-3	\$ 144.00
Administration	
X-1	\$ 49.00
X-2	\$ 66.00
X-3	\$ 109.00

APPENDIX B

CITY OF FAYETTEVILLE WILSON PARK POOL RENOVATIONS

FEE SUMMARY

Title I Services	Estimated Fees
Surveys	\$1,900.00
Conceptual Design (30%)	\$8,100.00
Final Design (100%)	\$13,200.00
Bidding Services	\$1,800.00
Subtotal for Title I Services	\$25,000.00

Title II Services	
<i>Construction Materials Testing</i>	\$0.00
Construction Phase Services	\$15,000.00
Subtotal for Title II Services	\$15,000.00

WORK TASK DESCRIPTION	E-6	E-5	S-5	S-4	S-3	2-Man Crew (Survey)	3-Man Crew (Survey)	2-Man Crew (GPS Survey)	3-Man Crew (GPS Survey)	MANHOURL SUBTOTALS
	\$215.00	\$176.00	\$127.00	\$99.00	\$70.00	\$160.00	\$200.00	\$180.00	\$220.00	
	hr	hr	hr	hr	hr	hr	hr	hr	hr	
1. Surveys - Topographic										
Topographic Surveys			1			8				
Data Processing/DTM Preparation			0.5	4						
Subtotal - Surveying	0	0	1.5	4	0	8	0	0	0	
2. Surveys - Property										
Property Surveys										
Data Processing										
Subtotal - Surveying	0	0	0	0	0	0	0	0	0	
Hours	0	0	1.5	4	0	8	0	0	0	14
Salary Costs	\$0.00	\$0.00	\$190.50	\$396.00	\$0.00	\$1,280.00	\$0.00	\$0.00	\$0.00	\$1,866.50
SUBTOTAL - SALARIES:		\$1,866.50								
<u>DIRECT NON-LABOR EXPENSES</u>										
Document Printing/Reproduction/Assembly	\$10.00									
Postage/Freight/Courier	\$0.00									
Survey Supplies	\$13.50									
Travel Costs	\$10.00									
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		\$33.50								
TOTAL FEE:		\$1,900.00								

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1	T-2	T-1	X-2	X-1	MANHOUR SUBTOTALS
	\$215.00	\$176.00	\$145.00	\$123.00	\$104.00	\$88.00	\$94.00	\$71.00	\$66.00	\$49.00	
	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	
1. Civil Engineering											
Pool Surface Options		3		8							
Deck Surface Options		3		8							
ADA Improvements				2							
Plan Sheets				6		8		10			
Meetings/Coordination with City		2		2							
Opinion of Probable Construction Cost for surface options				4		2					
QC Review		1		1							
Subtotal - Civil Engineering	0	9	0	31	0	10	0	10	0	0	
2. Structural Engineering											
Field Inspections		3			4						
Subtotal - Structural Engineering	0	3	0	0	4	0	0	0	0	0	
Hours	0	12	0	31	4	10	0	10	0	0	67
Salary Costs	\$0.00	\$2,112.00	\$0.00	\$3,813.00	\$416.00	\$880.00	\$0.00	\$710.00	\$0.00	\$0.00	\$7,931.00
SUBTOTAL - SALARIES:	\$7,931.00										
<u>DIRECT NON-LABOR EXPENSES</u>											
Document Printing/Reproduction/Assembly	\$149.00										
Postage/Freight/Courier	\$0.00										
Travel Costs	\$20.00										
SUBTOTAL - DIRECT NON-LABOR EXPENSES:	\$169.00										
TOTAL FEE:	\$8,100.00										

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1	T-2	T-1	X-2	X-1	MANHOUR SUBTOTALS
	\$215.00	\$176.00	\$145.00	\$123.00	\$104.00	\$88.00	\$94.00	\$71.00	\$66.00	\$49.00	
	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	
1. Civil Engineering											
Final Plans											
Pool Structure Repairs				6		10		8			
Pool Deck Repairs				6		10		8			
ADA Improvements				2		0.5					
Box Culvert Repairs				2		4		6			
Typical Details				6		6		8			
Sediment Control Plans											
Final Review/Walkthrough with City		2		2							
Permits				4							
Specifications/Contract Documents				8		2					
Quantities				4		6					
Opinion of Probable Construction Cost				2		2					
QC Review		3		1							
Subtotal - Civil Engineering	0	5	0	43	0	40.5	0	30	0	0	
2. Structural Engineering											
Pool Structure Repairs		3									
Pool Deck Repairs		3									
Subtotal - Structural Engineering	0	6	0	0	0	0	0	0	0	0	
Hours	0	11	0	43	0	40.5	0	30	0	0	125
Salary Costs	\$0.00	\$1,936.00	\$0.00	\$5,289.00	\$0.00	\$3,564.00	\$0.00	\$2,130.00	\$0.00	\$0.00	\$12,919.00
SUBTOTAL - SALARIES: \$12,919.00											
<u>DIRECT NON-LABOR EXPENSES</u>											
Document Printing/Reproduction/Assembly	\$250.00										
Postage/Freight/Courier	\$0.00										
Travel Costs	\$31.00										
SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$281.00											
TOTAL FEE: \$13,200.00											

City of Fayetteville Staff Review Form

A. 6
4248 South School Avenue
Hangar Improvements
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

3/6/2012

City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux

Submitted By

Aviation

Division

Transportation

Department

Action Required:

Action Required: Approval of Construction Contract with _____ for construction of alterations and improvements to the hangar at 4248 S School Ave for the purpose of making the building suitable for an aviation business relocating to Fayetteville.

Cost of this request

5550.3960.5804.00

Account Number

12002 1

Project Number

Category / Project Budget

\$ -

Funds Used to Date

\$ -

Remaining Balance

Airport Hangar Rehabilitation

Program Category / Project Name

Capital

Program / Project Category Name

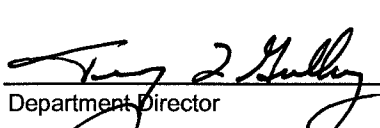
Airport

Fund Name

Budgeted Item

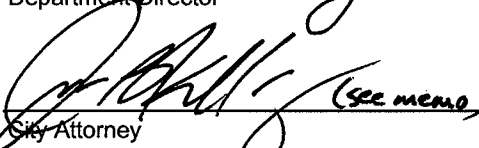
☐

Budget Adjustment Attached

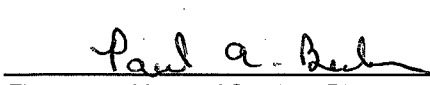
☐

Department Director
2-17-12
Date

Previous Ordinance or Resolution # 12-12, 13-12

Original Contract Date:


City Attorney
(see memo) 2-22-12
Date

Original Contract Number:


Finance and Internal Services Director
2-23-2012
Date

Received in City
Clerk's Office

02-17-12 P01:56 RCVD

Kim G.


Chief of Staff
2-22-12
Date

Received in
Mayor's Office

ENTERED
2/22/12


Mayor
2/22/12
Date

Comments: Bid opening is Friday 2/24/12 3:00 PM

City Council Meeting of: March 6, 2012
Agenda Item Number:



AVIATION DIVISION
FAYETTEVILLE EXECUTIVE AIRPORT • DRAKE FIELD

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor Jordan
THRU: Chief of Staff
THRU: Staff/Contract Review Committee
THRU: Terry Gulley, Transportation Director
FROM: Ray M. Boudreaux, Aviation Director
DATE: February 17, 2012
SUBJECT: Approve award of Contract for the remodel of the former AATC Hangar.

RECOMMENDATION: Approve award of contract with the lowest responsive bidder for the remodel of the former AATC Hangar Building for South Delta Aviation. Signature of the Mayor on the Contract.

BACKGROUND: South Delta Aviation has applied to lease the former AATC School Hangar for its business which is the purchase and resale of aircraft. The company has been in business for 30 years in West Helena Arkansas and is moving to Fayetteville. They have asked to occupy the building June 1, 2012 and will pay the Airport \$3,000.00 per month. They have signed the lease and are ready to move in on the 1st of June. We will open bids for the rehab on February 24, 2012 and wish to have the City Council to consider the project award at the meeting of March 6, 2012 so that the project can be awarded following the Arkansas Aeronautics meeting of March 14 when the grant application will be considered. This will allow the contractor enough time to get the required work done before the scheduled move in date.

The City Council approved a grant application for the project at \$280,000.00 total with grant proceeds of \$224,000.00. The grant application must be submitted to the State prior to the end of February to be considered by the Commission at the March 14th meeting. Should the bids come in higher than estimated by the engineer and architect, we will ask the Council to approve application for the higher amount at the March 6, 2012 meeting.

BUDGET IMPACT: Project estimated to cost \$280,000.00 with \$224,000 in grant revenue from the Arkansas Aeronautics Commission leaving \$56,000.00 from the Airport Fund Balance.

Attachments: Staff Review
Grant Application

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #12-_____ AND AUTHORIZING A CONTRACT WITH _____ IN THE AMOUNT OF \$_____ FOR CONSTRUCTION OF ALTERATIONS AND IMPROVEMENTS TO THE HANGAR AT 4248 S. SCHOOL AVENUE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #12-_____ and authorizes a contract with _____ in the amount of \$_____ for construction of alterations and improvements to the hangar at 4248 S. School Avenue.

PASSED and APPROVED this 20th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

RESOLUTION NO. 12-12

A RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE
OF AN ARKANSAS DEPARTMENT OF AERONAUTICS 80/20 GRANT IN
THE AMOUNT OF \$224,000.00 FOR IMPROVEMENTS TO THE FORMER
AATC HANGAR BUILDING AT DRAKE FIELD

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes
application for and acceptance of an Arkansas Department of Aeronautics 80/20 Grant in the
amount of \$224,000.00 for improvements to the former AATC hangar building at Drake Field.

PASSED and APPROVED this 17th day of January, 2012.

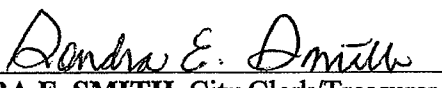
APPROVED:

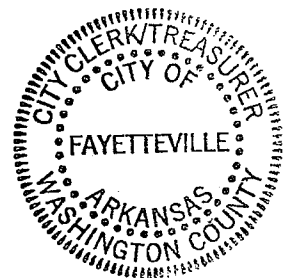
ATTEST:

By:


LIONELD JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer



RESOLUTION NO. 13-12

A RESOLUTION APPROVING TASK ORDER NO. 7 TO THE CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF \$27,150.00 TO DESIGN THE REHABILITATION OF THE FORMER AATC HANGAR BUILDING AT DRAKE FIELD, AND APPROVING A BUDGET ADJUSTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes application for and acceptance of an Arkansas Department of Aeronautics 80/20 Grant in the amount of \$224,000.00 for improvements to the former AATC hangar building at Drake Field.

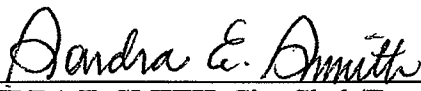
Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

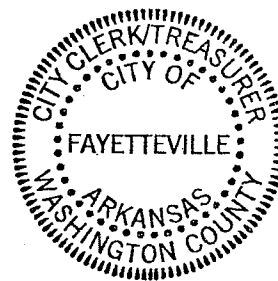
PASSED and APPROVED this 17th day of January, 2012.

APPROVED:

By: 
LIONELD JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer



AGENDA REQUEST

FOR: COUNCIL MEETING OF FEBRUARY 7, 2012

FROM:

**ALDERMAN RHONDA ADAMS
ALDERMAN MATTHEW PETTY**

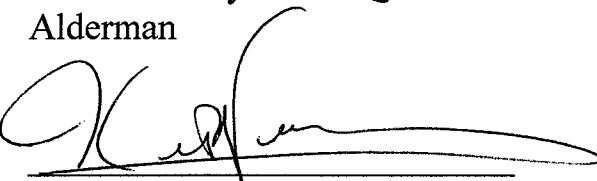
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend The Definition Of "Family" Found In Chapter 151 **Definitions** Of The Unified Development Code To Allow The City Council To Authorize Up To Five (5) Unrelated Persons In Some Units Of A Planned Zoning District

APPROVED FOR AGENDA:

 1-31-12
Rhonda Adams Date
Alderman

 1-31-2012
Matthew Petty Date
Alderman

 January 31, 2012
City Attorney (as to form) Date

left on the Second Reading at the 2/21/12 CC mtg.
left on the first Reading at the 2/7/12 CC mtg.

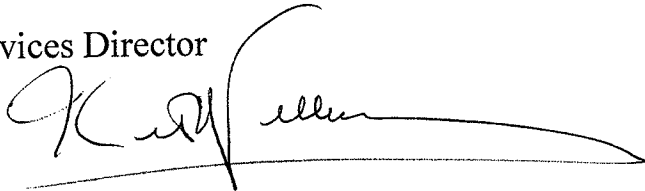
TO: Mayor Jordan
City Council

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

CC: Jeremy Pate, Development Services Director

FROM: Kit Williams, City Attorney



DATE: January 26, 2012

RE: Possible affordable option between houses and apartment buildings
within a new PZD

Alderman Rhonda Adams asked Jeremy and me to consider and work on a possible amendment to the U.D.C.'s definition of "family" in order to facilitate an alternative housing model that would allow higher density than a house, but would be more "home-like" than a standard apartment building. With the U of A's recent announcement that it will continue to strive to grow by over a thousand additional students for the next few years, the City needs to plan to make new, attractive and affordable housing options allowable for our increasing student population to protect our existing single family neighborhoods. Without such an option, our neighborhoods will likely see increasing pressure and problems from over-occupied houses.

To meet this need and Alderman Adams' request, Jeremy and I worked out a possible amendment to the definition of "family" with Rhonda that would increase the maximum number of unrelated persons in a housing unit from 4 to 5 in a specific PZD approved by the City Council in a case by case consideration and with proper safeguards for the surrounding neighborhood. Such safeguards would likely include buffering from other residential housing, limitations as to the number and type of structure allowed ("free standing structure of not more than two stories") and whatever else that the City Council, after listening to public comment, would believe to be appropriate to protect the surrounding neighborhood.

Alderman Rhonda Adams has approved this proposed amendment and submits it for your consideration.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE DEFINITION OF "FAMILY" FOUND IN CHAPTER 151 **DEFINITIONS** OF THE UNIFIED DEVELOPMENT CODE TO ALLOW THE CITY COUNCIL TO AUTHORIZE UP TO FIVE (5) UNRELATED PERSONS IN SOME UNITS OF A PLANNED ZONING DISTRICT

WHEREAS, the current definition of "Family" in the Unified Development Code has been in effect over the last decade and has been approved by the United States Department of Housing and Urban Development after being challenged by a landlord or tenant; and

WHEREAS, the current definition of "Family" in the U.D.C. limits the number of unrelated individuals in a housing unit to three (3) for single family districts and four (4) in multifamily districts in order to protect neighborhoods; and

WHEREAS, in rare circumstances and with appropriate safeguards the City Council should be authorized to allow up to five (5) unrelated persons in a unit within a Planned Zoning District designed for such occupancy.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals the current definition of "Family" found in the **Definitions** Chapter of the Unified Development Code and enacts a new definition of "Family" as shown below

"Family. (Zoning) In R-A, Neighborhood Conservation and all single family districts including single family Planned Zoning Districts, a "family" is no more than three (3) persons unless all are related and occupy the dwelling as a single housekeeping unit. In all other zoning districts where residential uses are permitted, a "family" is no more than four (4) persons unless all are related and occupy the dwelling as a single housekeeping unit with the exception that the City Council may permit a definition of "family" as no more than five (5) persons unless all are related and occupy the dwelling as a single housekeeping unit in a specific Planned Zoning District with proper safeguards for the surrounding neighborhood such as requiring that each five person unit must be placed within a freestanding structure of not more than two stories and be

buffered from other residential districts outside the Planned Zoning District. Persons are "related" for purposes of this definition if they are related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship. The definition of "family" does not include fraternities, sororities, clubs or institutional groups."

PASSED and **APPROVED** this 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Fayetteville Code of Ordinances

Facilities handling explosives. (Zoning) Any function that involves a process dealing with a product with explosive potential.

Fall zone. (Wireless Communications Facilities) The area within which a tower or antenna might cause damage to persons or property should the tower or antenna be knocked down, blown over or fall on its own.

Family. (Zoning) In single-family residential districts, a family is no more than three persons unless all are related and occupy a dwelling as a single housekeeping unit in the RSF-5 (Residential Single-family - Half Acre), RSF - 1 (Residential Single-family - One acre), RSF - 2 (Residential Single-family - 2 Acre), RSF - 4 (Residential Single-family - 4 Units per Acre), and RSF - 7 (Residential Single-family - 7 Units per Acre) zoning districts. In all other zoning districts where residential uses are permitted, a family is no more than four persons unless all are related and occupy a dwelling as a single housekeeping unit. A family is when all persons are related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship. The definition of family does not include fraternities, sororities, clubs or institutional groups.

FCC. (Wireless Telecommunications Facilities) The Federal Communications Commission.

FEMA. (Physical Alteration of Land) Federal Emergency Management Agency.

Fenestration. (Development) An exterior opening in the surface of a structure, such as a window, door, clerestory window, curtain wall, etc.

Fill. (Physical Alteration of Land) A deposit of earth material placed by artificial means.

First or ground floor. (DDOD). The finished floor facing a street right of way.

Flashing sign. (Signs) An illuminated sign on which artificial or reflected lights is not maintained stationary and constant in intensity and color at all times when in use.

Flood or flooding. (Flood Damage Prevention) A general and temporary condition or partial or complete inundation of normally dry land areas from the overflow of flood waters, or the unusual and rapid accumulation or run-off of surface water from any source.

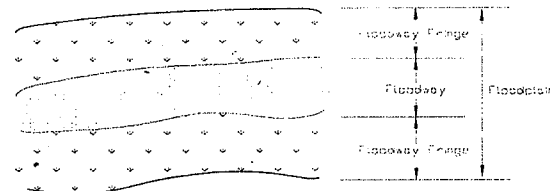
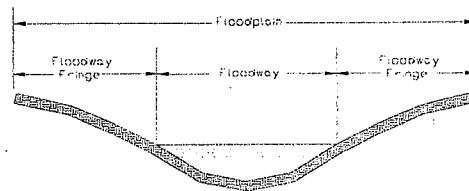
Flood boundary and floodway map. (Flood Damage Prevention) The official map on which the Federal Insurance Administration has delineated both the areas of flood hazards and the floodway.

Flood Insurance Rate Map (FIRM). (Flood Damage Prevention) The official map on which the Federal Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the Floodway.

Flood Insurance Study. (Flood Damage Prevention) The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain. (Stormwater Management, Drainage and Erosion Control) For a given flood event, that area of land that is temporarily covered by water and that adjoins a watercourse. In FEMA regulated, or established floodplains, the floodplains shall mean the area subject to inundation from any source during the regulatory event.

Floodplain or flood-prone area. (Flood Damage Prevention) Areas that are subject to, or are exposed to, flooding and flood damage.



Floodplain management. (Flood Damage Prevention) The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations. (Flood Damage Prevention) Development code, building codes, health regulations, special purpose ordinances (i.e., grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood-proofing. (Flood Damage Prevention) Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or

City of Fayetteville Staff Review Form

C. 1
Garland Avenue Water and
Sewer Relocation Project
Page 1 of 24

**City Council Agenda Items
and
Contracts, Leases or Agreements**

3/6/2012

City Council Meeting Date
Agenda Items Only

Chris Brown *CB*
Submitted By

Engineering
Division

Development Services
Department

Action Required:

Approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession of certain lands necessary for the Garland Avenue (North to Melmar) Water and Sewer Relocation Project

\$ 60,000.00

Cost of this request

\$ -

Category / Project Budget

Transportation Bond Program

Program Category / Project Name

4470.9470.5810.00

Account Number

\$ -

Funds Used to Date

Land Acquisition

Program / Project Category Name

06035.2250

Project Number

\$ -

Remaining Balance

Sales Tax Capital Improvements

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

James C. Pate
Department Director

02-17-2012
Date

Previous Ordinance or Resolution #

John B. Kelly
City Attorney

2-17-12
Date

Original Contract Date:

Original Contract Number:

Paul A. Behr
Finance and Internal Services Director

2-21-2012
Date

Received in City
Clerk's Office

02-17-12 P01:57 RCVD

John Man
Chief of Staff

2-21-12
Date

Received in
Mayor's Office

Donald Jordan
Mayor

2/22/12
Date



Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

City Council Meeting of March 6, 2012

To: Mayor Jordan and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Director of Development Services *JP*

From: Chris Brown *CB*

Date: February 17, 2012

Subject: Approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession of certain lands necessary for the Garland Avenue (North to Melmar) Water and Sewer Relocation Project.

PROPOSAL:

Improvements to Garland Avenue (Highway 112) are planned as part of a City of Fayetteville and Arkansas State Highway and Transportation Department (AHTD) partnering project. Our agreement with AHTD provides that the City is responsible for 50% of the construction cost, up to \$1.5 million, and all of the cost of right of way acquisition and relocation of utility facilities.

Construction of roadway improvements, including construction of a 4-lane roadway with intermittent medians, bike lanes, pedestrian sidewalks, and three new signals, will be administered by AHTD. This construction is planned to begin in fall 2012. AHTD has acquired all of the right of way that they need to construct the roadway improvements.

Prior to the roadway construction, all utilities, including those owned by the City of Fayetteville Water and Sewer Division, must be relocated out of the limits of the planned roadway construction. The Engineering Division is nearing completion of design of the utility relocations for the City, and is also acquiring necessary utility easements to provide space for the water and sewer and other utilities to be installed.

To date, staff has acquired 50 of the 58 tracts, leaving 8 easements still to be acquired. These properties are as follows:

- Glen David Wilson Trust and Linda Kay Hinkle
- Caren E. and Richard L. Hanna
- Bob L. and Wilma B. Bonds
- Margot Khavinson
- Remington C. Hendrix
- Spirits Shop, Inc.

- Donald W. and Brenda Sue Johnston (2 Tracts)

A copy of the case history for each of these projects is attached, and provides a timeline of negotiations on each tract. As indicated in the case histories, original offers were made in October, 2011, reminder letters were sent in November, and a third letter was sent in January 2012 to the property owners that had not negotiated a settlement with the City. In order to meet the schedule set forth by AHTD, and have utility relocations completed by October 2012, we must complete the acquisition of easements and move forward to construction within the next two months.

RECOMMENDATION:

Staff recommends approval of a Resolution authorizing the City Attorney to seek possession by condemnation of necessary utility easements along Garland Avenue (Highway 112) from North Street to Melmar Street, for the remaining 8 parcels that have not been acquired to date.

BUDGET IMPACT:

A budget adjustment is attached to move previously allocated Sales Tax Capital Improvements funds from the Highway 16 (Huntsville Avenue) Project to the Garland Avenue Water and Sewer Project budget. Water and Sewer Funds will be used to fund the construction of this project; however, it is appropriate to use CIP or Transportation Bond funds to purchase the easements as they will be for the benefit of all utilities, and will reduce the overall cost to the City for utility relocations.

The agenda item staff review form indicates \$60,000 as the cost of this request. It should be noted that this is an estimate, based on the appraised values of the properties, and that the final cost is subject to negotiation with the property owners or by court order. The appraised value will be deposited into the Registry of the Circuit Court as just compensation when the condemnation complaint is filed for each property.

Attachments: Summary Spreadsheet of Easement Acquisition Status
Case History for each property proposed for condemnation
Property exhibit for property proposed for condemnation

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY THE GLEN DAVID WILSON TRUST & LINDA KAY HINKLE, CAREN E. & RICHARD L. HANNA, BOB L. & WILMA B. BONDS, MARGOT KHAVINSON, REMINGTON C. HENDRIX, SPIRITS SHOP, INC., AND DONALD W. & BRENDA SUE JOHNSTON NEEDED FOR WATER AND SEWER RELOCATIONS ALONG N. GARLAND AVENUE, AND APPROVING A BUDGET ADJUSTMENT

WHEREAS, the City of Fayetteville and certain property owners have been unable to agree on a fair price for the portions of property owned by each of them which is needed for easements to facilitate water and sewer relocations, and

WHEREAS, the City of Fayetteville needs to gain possession of these property promptly to begin work on water and sewer relocations along N. Garland Avenue.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near N. Garland Avenue and owned by the Glen David Wilson Trust and Linda Kay Hinkle that is needed for a utility easement for water and sewer relocations along N. Garland Avenue, and to pay into the registry of the Circuit Court just compensation therefor.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near N. Garland Avenue and owned by Caren E. and Richard L. Hanna that is needed for a utility easement for water and sewer relocations along N. Garland Avenue, and to pay into the registry of the Circuit Court just compensation therefor.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near N. Garland Avenue and owned by Bob L. and Wilma B. Bonds that is needed for a utility easement for water and sewer relocations along N. Garland Avenue, and to pay into the registry of the Circuit Court just compensation therefor.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near N. Garland Avenue and owned by Margot Khavinson that is needed for a utility easement for water and sewer relocations along N. Garland Avenue, and to pay into the registry of the Circuit Court just compensation therefor.

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near N. Garland Avenue and owned by Remington C. Hendrix that is needed for a utility easement for water and sewer relocations along N. Garland Avenue, and to pay into the registry of the Circuit Court just compensation therefor.

Section 6. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near N. Garland Avenue and owned by Spirits Shop, Inc. that is needed for a utility easement for water and sewer relocations along N. Garland Avenue, and to pay into the registry of the Circuit Court just compensation therefor.

Section 7. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near N. Garland Avenue and owned by Donald W. & Brenda Sue Johnston that is needed for a utility easement for water and sewer relocations along N. Garland Avenue, and to pay into the registry of the Circuit Court just compensation therefor.

Section 8. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

PASSED and APPROVED this 6th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

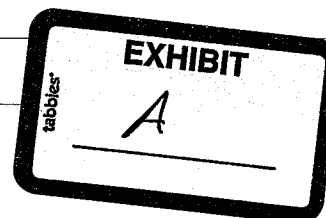
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

C. 1 V11.0425
Garland Avenue Water and
Sewer Relocation Project
Page 6 of 24

Budget Year	Division: Engineering	Request Date	Adjustment Number
2012	Department: Development Services	2/17/2012	

Condemnation of certain lands for the W/S portion of Garland (North to Melmar).

<u>Chy [Signature]</u>	<u>2/18/12</u>	Prepared By: _____	
Division Head	Date		kspringer
<u>[Signature]</u>	<u>2-22-12</u>	Reference: _____	
Budget Director	Date		
<u>[Signature]</u>	<u>2-17-2012</u>	Budget & Research Use Only	
Department Director	Date	Type: A B C D E P	
<u>Paul A. Becher</u>	<u>2-22-2012</u>	General Ledger Date	_____
Finance Director	Date		
<u>Don Man</u>	<u>2-22-12</u>	Posted to General Ledger	_____
Chief of Staff	Date	Initial	Date
<u>[Signature]</u>	<u>2/22/12</u>	Checked / Verified	_____
Mayor	Date	Initial	Date

[illegible]

CASE HISTORY
GARLAND AVENUE
Glen David Wilson Trust and Linda Kay Hinkle

- 10/21/11 Offer packet mailed including offer letter (\$25,545.00), proposed easement, and exhibit.
- 11/29/11 Reminder letter sent.
- 12/31/11 Property owners apparently in condemnation with AHTD.
- 1/4/12 Engineers to contact manager of Harps to see if he has any information?
- 1/24/12 Appraisal received – in preparation for condemnation.
- 1/25/12 Revised offer as based on new appraisal mailed. \$30,700.00 for easement.
- 2/15/12 Mr. Wilson talked to Chris Brown. Said everything has been turned over to his attorney. CB advised that Mr. Wilson have his attorney contact the City.

Not to Scale

P.O.C.
NE Corner
SEC. 8
T-16-N, R-30-W

2079.67'

S 02°36'57" W

GARLAND AVENUE

Section Line

SE NE
8-16-20

GLEN DAVID WILSON TRUST
765-13768-000
Inst. No. 2007-23583

N 02°04'14" E 128.34'

S 02°04'14" W 101.10'

N 01°23'28" E 242.32'

S 01°23'28" W 189.75'

34.83'

S 05°08'15" W

N 88°18'37" W
5.00'

S 32°15'42" E
21.79'

N 87°38'26" W
24.82'

MT. COMFORT ROAD

R/W

EXHIBIT
SEP. 2011

UTILITY EASEMENT
GLEN DAVID
WILSON TRUST



PROP. UTILITY
EASEMENT-6,811 Sq. Ft.

CASE HISTORY
GARLAND AVENUE
CAREN E. & RICHARD L. HANNA, II

10/21/11 Offer packet mailed including offer letter (\$535.00), proposed easement, and exhibit.

11/29/11 Reminder letter mailed. Returned as "unable to forward."

1/17/2012 Sent e-mail request of contact info to AHTD.

1/23/2012 Original packet e-mailed to rickdicolous@gmail.com

1/24/12 Appraisal received – in preparation for condemnation.

1/25/12 Revised offer as based on new appraisal e-mailed to rickdicolous@gmail.com. \$700.00 for easement.

NOTES:

Mr. Hanna called in Summer 2011 about this property (1505 N. Garland Ave.) and one owned across the street by his wife (1716 N. Garland Ave.). Initial informational letter – mailed to 1505 N. Garland – was apparently delivered. Offer packet (mailed to 1505 N. Garland) was NOT returned.

However, informational letter for 1716 N. Garland was mailed to P.O. Box 8842 and was returned as "unable to forward". Letter for 1716 N. Garland stating that no additional easement was necessary (mailed to 1505 N. Garland) was returned as "unable to forward". Then reminder letter for 1505 N. Garland (mailed to that address) was returned.

They are in condemnation proceedings with AHTD. AHTD's appraisal listing P.O. Box 8842 as mailing address.

Thus, we have no working mailing address and no phone listing and have no way of contacting the Hannas other than the e-mail address provided by AHTD representative.

AHTD Case History

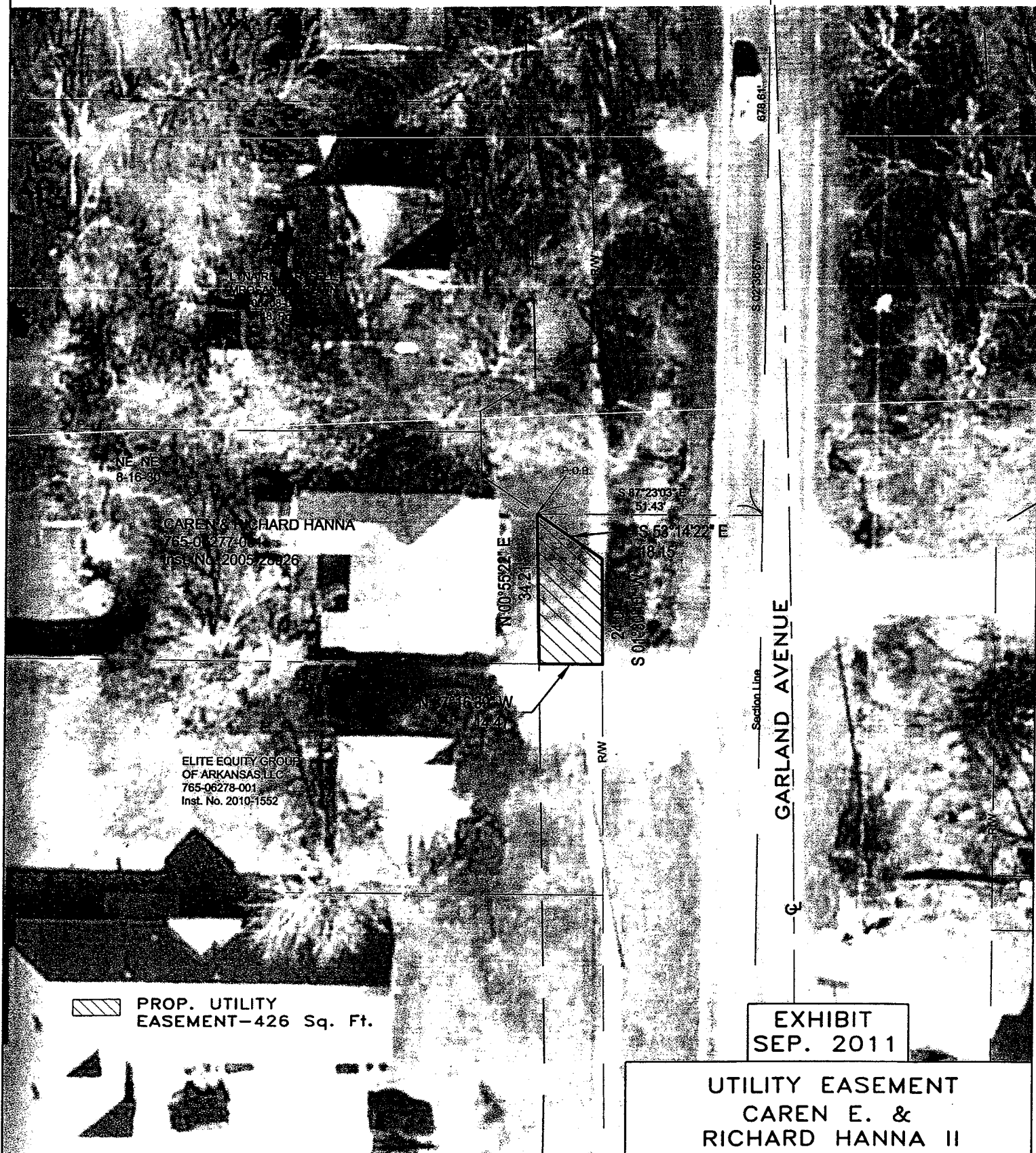
Caren E. Battle-Hannah (Ricky)
PO Box 8842
Fayetteville, AR 72703
870-321-6910
501-606-0480 Ricky cell #
rickdiculous@gmail.com

Whole Property: 7,979+/- SF	
Fee Acquisition: 807+/-SF @ \$5.00/SF	=\$ 4,050.00
TCE: 854+/-SF @ rental value	=\$ 850.00
Improvements: Landscaping Bushes	=\$ 300.00
Total Compensation	=\$ 5,200.00

8/8/11 I submitted this file for further processing and consideration.

P.O.C.
NE Corner
SEC. 8
T-16-N, R-30-W

Not to Scale



CASE HISTORY
GARLAND AVENUE
MARGOT KHAVINSON

- 10/21/11 Offer packet mailed including offer letter (\$4,945.00), proposed easement, and exhibit.
- 10/26/11 Ms. Khavinson came in. Will present counter offer. She is not happy about losing so many trees and property (wider easement than usual on this project). She also wants a fence for privacy. Mark Risk is her appraiser.
- 10/28/11 Date of Ms. Khavinson's counter offer letter. She is requesting \$24,780.00. This amount includes \$5,000.00 for landscaping which acts as sound and sight barrier—although she was paid \$2,000.00 for landscaping and \$150.00 for fencing by AHTD.
- Nov. 2011 Discussion amongst City staff. Cannot reduce size of easement, but cannot pay full fee simple for easement area.
- 12/30/11 Ms. Khavinson unexpectedly (to the City) passed away. We will now have to acquire thru probate.
- 1/24/12 Appraisal received – in preparation for condemnation.
- 1/25/12 Revised offer as based on new appraisal mailed to Ms. Khavinson's son, Jack (hoping that he has executor rights). \$6,970.00 for easement, \$1,030.00 for landscaping damages (\$8,000.00 total).
- 2/10/12 Jack Khavinson called. Asked that a copy of the AHTD appraisal be sent to Mark Risk (appraiser, advisor & family friend). Copy e-mailed to Mr. Khavinson to give to Mr. Risk, as Mr. Risk has no legal or signatory rights to the property (as far as we know).



PROP. UTILITY
EASEMENT-3,956 Sq. Ft.

EXHIBIT
SEP. 2011

UTILITY EASEMENT
MARGOT KHAVINSON

CASE HISTORY
GARLAND AVENUE
Remington C. Hendrix

10/21/11	Offer packet mailed including offer letter (\$1,255.00), proposed easement, and exhibit.
11/29/11	Reminder letter sent.
12/27/12	Call from Mr. Hendrix to set up meeting.
12/31/12	HJ met with Mr. Hendrix at his home (2354 W. Eiffel Crossing). He may submit a counter offer.
1/30/12	Notification letter mailed. City may have to add to list of potential condemnations by requesting an appraisal.
2/9/12	Appraisal received.
2/10/12	Revised offer based on appraisal mailed (total of \$2,200.00).

HARPER PROPERTIES LLC
765-10531-000
Inst. No. 2003-47281

S 87°11'24" E
10.04

Garland Survey
Sewer Relocation Project
Page 15 of 14

Not to Scale

REMINGTON C. HENDRIX
765-10530-000
Inst. No. 2006-37902

S 16° SE
16.80

N 06°20'49" E
10.01

S 24° E 59.89

S 02°46'51" W 61.13

S 06°20'49" W

N 87°09'08" W
10.02

M. J. TWEEDLE
765-10529-000
Inst. No. 2008-104724

C. GARLAND AVENUE

723.81'

N 02°56'16" E

P.O.C.
SE Corner
SEC. 5
T-16-N, R-30-W



PROP. UTILITY
EASEMENT-1,001 Sq. Ft.

EXHIBIT
SEP. 2011

UTILITY EASEMENT
REMINGTON C. HENDRIX

CASE HISTORY
GARLAND AVENUE
Spirits Shop Inc.

10/21/11	Offer packet mailed including offer letter (\$4,170.00), proposed easement, and exhibit.
11/29/11	Reminder letter sent.
12/2/12	Mr. Johnston came in with signed paperwork for Tract 5 (personally owned by him and his wife). Said he has to talk to other people involved with Spirits Shop.
12/2/12	Reminder letter mailed.
1/30/12	Notification letter mailed. City may have to add to list of potential condemnations by requesting an appraisal.
2/2/12	Don Johnston called to say he was going to fax a counter offer.
2/6/12	Don Johnston called. Before submitting a written counter offer he wanted to know if there was any chance he would get full fee simple value for easement. JSG told him it was unlikely. We could pay 25% of \$17.40/sq.ft. (since he was paid 16% by AHTD), but he was insistent in wanting 100% or \$15.00/sq.ft. for easement.
2/9/12	Appraisal received.
2/10/12	Revised offer mailed as based on the latest appraisal (total of \$10,700.00).

NOT TO SCALE

P.O.C.
NW Corner
SEC. 9
T-18-N, R-30-W

GARLAND AVENUE

Section Line

N 87°16'45" W
10.01'

R/W

N 05°49'17"E

55.74'

N 02°26'44"E

55.49'

S 05°49'17"W

55.49'

S 02°26'44"W

55.73'

SW, NW
9-16-30

THE SPIRITS SHOP INC.
765-13997-000
Inst. No. 2007-7058

GTW PROPERTIES,
LIMITED PARTNERSHIP
765-14020-000



PROP. UTILITY
EASEMENT - 1,112 Sq. Ft.

EXHIBIT
SEP. 2011

UTILITY EASEMENT
THE SPIRITS SHOP INC.

CASE HISTORY
GARLAND AVENUE
Donald W. & Brenda Sue Johnston (Tract E-2)

10/21/11	Offer packet mailed including offer letter (\$2,145.00), proposed easement, and exhibit.
11/29/11	Reminder letter sent.
12/2/12	Mr. Johnston came in with signed paperwork for Tract 5 (also personally owned by him and his wife).
12/2/12	Reminder letter mailed.
1/30/12	Notification letter mailed. City may have to add to list of potential condemnations by requesting an appraisal.
2/2/12	Don Johnston called to say he was going to fax a counter offer.
2/6/12	Don Johnston called. Before submitting a written counter offer he wanted to know if there was any chance he would get full fee simple value for easement. JSG told him it was unlikely. We could pay 25% of \$17.40/sq.ft. (since he was paid 16% by AHTD), but he was insistent in wanting 100% or \$15.00/sq.ft. for easement.
2/9/12	Appraisal received (combined with Tract E-1).
2/10/12	Revised offer mailed as based on the latest appraisal (total of \$2,625.00).

Not to Scale

P.O.C.
NW Corner
SEC. 9
T-16-N, R-30-W

2182.48'

S 02°36'57" W

P.O.B.

S 87°16'45" E
10.01'

GTW PROPERTIES,
LIMITED PARTNERSHIP
765-14020-000
Inst. No. 2001-14403

S 87°23'03" E 37.38'

N 87°16'45" W
10.01'

N 00°05'46" W 57.20'

S 00°05'46" E 57.29'

DON & BRENDA JOHNSTON
JOHNSTON JOINT TRUST
765-14021-000
Inst. No. 2003-13017

SW, NW
9-16-30

N 86°46'58" W
10.02'

MG HOLDINGS LLC &
DON & BRENDA JOHNSTON
JOHNSTON JOINT TRUST
765-14037-000
Inst. No. 2005-13926

GARLAND AVENUE

Section Line

R/W

MT COMFORT RD.

EXHIBIT
SEP. 2011



PROP. UTILITY
EASEMENT-572 Ft.

UTILITY EASEMENT
DON & BRENDA JOHNSTON
JOHNSTON JOINT TRUST

CASE HISTORY
GARLAND AVENUE
Donald W. & Brenda Sue Johnston (Tract E-1)

10/21/11	Offer packet mailed including offer letter (\$2,930.00), proposed easement, and exhibit.
11/29/11	Reminder letter sent.
12/2/12	Mr. Johnston came in with signed paperwork for Tract 5 (also personally owned by him and his wife).
12/2/12	Reminder letter mailed. Also removed MG Holdings from Tract E-1's easement (no longer have an interest in the property).
1/30/12	Notification letter mailed. City may have to add to list of potential condemnations by requesting an appraisal.
2/2/12	Don Johnston called to say he was going to fax a counter offer.
2/6/12	Don Johnston called. Before submitting a written counter offer he wanted to know if there was any chance he would get full fee simple value for easement. JSG told him it was unlikely. We could pay 25% of \$17.40/sq.ft. (since he was paid 16% by AHTD), but he was insistent in wanting 100% or \$15.00/sq.ft. for easement.
2/9/12	Appraisal received (combined with Tract E-2).
2/10/12	Revised offer mailed as based on the latest appraisal (total of \$3,575.00).

Not to Scale

P.O.C.
NW Corner
SEC. 9
T-16-N, R-30-W

N 87°16'45" W
10.01'

2239.82'
S 02°36'57" W

DON & BRENDA JOHNSTON
JOHNSON JOINT TRUST
765-14037-000
Inst. No. 2003-13017

S 86°46'53" E
10.02'

S 87°23'03" E 39.93'

N 00°05'46" W
16.28'

S 00°05'46" E
12.97'

SW, NW
9-16-30

MG HOLDINGS LLC.
DON & BRENDA JOHNSTON
JOHNSON JOINT TRUST
765-14037-000
Inst. No. 2005-19926

N 00°00'28" E
12.23'

N 42°33'58" W
10.98'

S 23°00'28" W
9.88'

GARLAND AVENUE

Section Line

MT COMFORT RD.



PROPOSED UTILITY
EASEMENT 75 FT. W.

EXHIBIT
SEP. 2011

UTILITY EASEMENT
MG HOLDINGS LLC.;
DON & BRENDA JOHNSTON
JOHNSON JOINT TRUST

CASE HISTORY
GARLAND AVENUE
BOB L. & WILMA B. BONDS

- 10/21/11 Offer packet mailed including offer letter (\$955.00), proposed easement, and exhibit.
- 10/28/11 Mr. Bonds came in concerned about amount of easement (thought 10 feet too much). They are in litigation with AHTD over driveway and money amount. Said he would be in contact with HJ once he has received appraisal from Tom Reed.
- 11/29/11 Reminder letter sent.
- 1/24/12 Appraisal received – in preparation for condemnation.
- 1/25/12 Revised offer as based on new appraisal mailed. \$1,400.00 for easement, \$100.00 for landscaping damages (\$1,500.00 total).

Not to Scale

P.O.C.
NW Corner
SEC. 9
T-16-N, R-30-W

1107.85'

S 02°36'57" W

Section Line

GARLAND AVENUE

12.79'
N 8°07'12" E

N 5°00'00" E

S 01°39'54" W 80.39'

10.00'
N 87°11'09" W

SWEETSER FAMILY
LIMITED PARTNERSHIP
765-13938-000

BOB L. & WILMA B. BONDS
765-13976-000
Inst. No. 98-70802



PROP. UTILITY
EASEMENT-763 Sq. Ft.

EXHIBIT
SEP. 2011

UTILITY EASEMENT
BOB L. &
WILMA B. BONDS

City of Fayetteville Staff Review Form

D. 1
City of Elkins Cost-Share Agreement
Page 1 of 8

**City Council Agenda Items
and
Contracts, Leases or Agreements**

3/6/2012

City Council Meeting Date
Agenda Items Only

David Jurgens

Submitted By

Utilities

Division

Utilities

Department

Action Required:

Approval of a cost share agreement receiving \$150,000 from the City of Elkins for their share of replacement of the existing 4,500' long 10" Elkins Outfall Sewer Line with an 18" line.

Municipal Cost Share

Cost of this request

Category / Project Budget

Program Category / Project Name

5400.0940.4303.00

Water and Sewer Improvements

Account Number

Funds Used to Date

Program / Project Category Name

10010-01

\$

-

Water and Sewer Fund

Project Number

Remaining Balance

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

David Jurgens
Department Director

17 Feb 12
Date

Previous Ordinance or Resolution #

John Kelly
City Attorney

2-17-12
Date

Original Contract Date:

Original Contract Number:

Paul A. Bahr
Finance and Internal Services Director

2-21-2012
Date

02-17-12 P12:34 RCVD
Received in City Clerk's Office

Kim G.

Don Man
Chief of Staff

2-21-12
Date

Received in
Mayor's Office

ENTERED
2/17/12
PT

Lionel Jordan
Mayor

2/22/12
Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director
Fayetteville Water, Sewer, and Solid Waste Committee

Date: February 17, 2012

Subject: Approval of a cost-share agreement receiving \$150,000 from the City of Elkins for their share of replacement of the Elkins Outfall sewer line

RECOMMENDATION

City Administration recommends approval of a cost share agreement receiving \$150,000 from the City of Elkins for their share of replacement of the existing 4,500' long 10" Elkins Outfall Sewer Line with an 18" pipe.

BACKGROUND

Southeast Fayetteville along Highway 16 East is served by a Fayetteville owned 10" sewer transmission main which also carries wastewater from Elkins. The area – both Fayetteville and Elkins – require additional capacity. Fayetteville received a \$485,000 2010 State Tribal and Assistance Grant (STAG) to install the larger pipeline. When completed, the new sewer line will allow service to a larger area south of Highway 16, expected to ultimately be within Fayetteville. The new pipeline has adequate capacity for the entire basin. Additionally, Elkins' new west pump station will be able to operate at its peak capacity of 600 gallons per minute, rather than at the 400 gpm rate at which it currently operates.

DISCUSSION

The Elkins City Council adopted Resolution 2010-19 on May 20, 2010, confirming Elkins' financial commitment to pay up to \$150,000 for up to 50% of the construction costs, after all STAG grant funds are applied. The Elkins City Council approved the cost share agreement and the \$150,000 appropriation on 16 February 2012.

The City of Fayetteville opened bids for this construction on January 31, 2012. Under a separate resolution, the City Council is considering awarding a construction contract to Rosetta Construction for \$692,223. Now that the construction cost is identified, the cost distribution between the three sources can be determined. The grant funding requires a 55% federal to 45% local match, so \$380,723 of STAG funds can be applied to this contract. Funding for the construction is shown below.

STAG	\$ 380,723
Elkins	\$ 150,000
Fayetteville	\$ 161,500
Total	\$ 692,223

BUDGET IMPACT

The \$150,000 will be applied directly to the Elkins Outfall Line construction project per the budget adjustment attached to the construction contract with Rosetta Construction.

RESOLUTION NO. _____

**A RESOLUTION APPROVING A COST-SHARING AGREEMENT WITH
THE CITY OF ELKINS IN AN AMOUNT NOT TO EXCEED \$150,000.00
FOR REPLACEMENT AND IMPROVEMENT OF THE ELKINS OUTFALL
SEWER LINE**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a cost-sharing agreement with the City of Elkins in an amount not to exceed \$150,000.00 for replacement and improvement of the Elkins Outfall Sewer Line. A copy of the agreement is attached to this Resolution as Exhibit "A".

PASSED and APPROVED this 6th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

RESOLUTION NO. 2012- 02

A RESOLUTION AUTHORIZING ENTRY INTO
AGREEMENT WITH FAYETTEVILLE AND FOR
PAYMENT OF CITY OF ELKINS' PORTION OF COST
SHARE AGREEMENT WITH FAYETTEVILLE ON
UPGRADE OF SEWER INTERCEPTOR.

WHEREAS, The City of Elkins Water & Sewer Committee caused an assessment of critical capital needs for the Elkins Water & Sewer System to be performed by McClelland Engineers; and,

WHEREAS, McClelland Engineers determined that replacement of the gravity sewer interceptor from Lewis Woods to Mally Wagon Lift Station was necessary to increase the total capacity of Elkin Sewer Collection System; and,

WHEREAS, The City of Fayetteville has been notified of a grant from USEPA to fund 55% of the project cost to replace this sewer interceptor; and,

WHEREAS, The City of Fayetteville has requested Elkins consider cost-sharing the remaining 45% of this project cost with Fayetteville in an amount up-to \$150,000; and has tendered a Sewer Cost Share Agreement setting forth this understanding which formally commits the funds of the Elkins' Water and Sewer Department up to \$150,000.00.

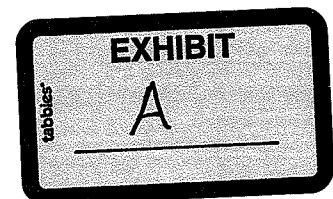
WHEREAS, The Elkins Water & Sewer Committee, in regular session, determined participating with Fayetteville is the most cost-effective method to replace the sewer interceptor; and,

WHEREAS, Elkins Water & Sewer Committee has determined the Elkins Water & Sewer Utility has sufficient funds to pay this cost share and recommends Elkins City Council enter into the Sewer Cost Share Agreement with the City of Fayetteville.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
ELKINS, ARKANSAS:

That the City Council of Elkins Arkansas hereby approves the attached Sewer Cost Share Agreement to cost share with the City of Fayetteville up-to \$150,000.00 for the replacement of the gravity sewer interceptor from Lewis Woods to Mally Wagon Lift Station conditioned on Fayetteville performing the work to replace the sewer interceptor pursuant to the attached documents and applying STAG funds as set out in the agreement.

That the Mayor and Recorder-Treasurer are authorized to execute the attached agreement on behalf of the City of Elkins and upon presentation of an invoice in



conformity with such agreement to make payments as called for therein.

PASSED AND APPROVED this 16th day of February, 2012.



L. BRUCE LEDFORD, Mayor

ATTEST:



SUNNY LEDFORD, Recorder-Treasurer
JASON BATHON

SEWER COST SHARE AGREEMENT

The Sewer Main Cost Share Agreement (hereinafter "Agreement") dated FEB 16, 2012 between the City of Fayetteville (hereinafter "Fayetteville") and the City of Elkins (hereinafter "Elkins") hereby agree:

WHEREAS:

Fayetteville and Elkins have an existing Contract by which Fayetteville receives wastewater from Elkins and then transports and processes the wastewater in Fayetteville's Noland wastewater treatment facility and discharges treated wastewater effluent under Fayetteville's National Pollution Discharge Elimination System permit; and

Fayetteville must ensure that this role does not place financial burdens on Fayetteville's retail customers for which Fayetteville's retail customers receive no benefit; and

Elkins must ensure that this role does not place financial burdens on Elkins' retail customers for which Elkins' retail customers receive no benefit; and

It is to the mutual benefit of both cities that the gravity sewer line, sometimes referred to as Elkins outfall line, be replaced with a larger line to increase capacity for both Elkins and for this sewer basin of Fayetteville; and

Fayetteville has received a \$485,000 State Tribal and Assistance Grant (STAG) grant for use on this sewer line and the Fayetteville sewer basin flowing thereto which requires a 45% local funding match; and

Fayetteville has received bids wherein the construction cost is established as \$692,223.

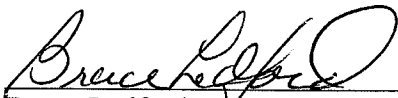
NOW, THEREFORE, Fayetteville and Elkins agree as follows:

1. Upon the City Council and/or the Mayor approving this Sewer Main Cost Share Agreement, Elkins agrees to:
 - A. Pay 50% of the estimated construction costs which exceed the construction costs paid for with STAG grant funds, up to but not to exceed \$150,000, for the replacement of Elkins outfall sewer line, in accordance with Elkins Resolution 2010-19 passed on May 20, 2010.
 - B. Provide payment in full to Fayetteville within thirty (30) days after receipt of the invoice.

2. Fayetteville agrees to:
 - A. Provide the necessary and normal design, project management, inspection, and testing as necessary for a complete and acceptable sewer main installation.
 - B. Apply \$380,723 of STAG grant funds to the contract.
 - C. Pay all construction costs above those covered by the STAG funding and the \$150,000 Elkins cost share, including those created by change orders, if any.
 - D. Create an invoice within 30 days of the award of the construction contract.
3. By executing this Agreement, the persons signing on behalf of Elkins and Fayetteville each acknowledge and covenant that they have full legal authority to enter into this Agreement and bind the parties they represent.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the
16 day of FEB, 2012.

CITY OF ELKINS



Bruce Ledford, Mayor

ATTEST:



CITY OF FAYETTEVILLE

Lioneld Jordan, Mayor

Sondra Smith, City Clerk

City of Fayetteville Staff Review Form

D. 2
 Rosetta Construction, LLC
 Page 1 of 30

**City Council Agenda Items
 and
 Contracts, Leases or Agreements**

6-Mar-12

**City Council Meeting Date
 Agenda Items Only**

Shannon Jones
Submitted By

Utilities Capital Projects
Division

Utilities
Department

Action Required:

Approval of a construction contract with Rosetta Construction, LLC for \$692,223, Bid 12-16, with a contingency of \$50,000 to construct Elkins Outfall Gravity Sewer Improvements, recognize a cost share from Elkins for \$150,000, and a budget amendment.

\$ 742,223

Cost of this request

\$ 2,165,000

Category / Project Budget

Sewer Replace - Elkins Outfall Line

Program Category / Project Name

5400.5700.5815.00

Account Number

\$ 20,000

Funds Used to Date

Water & Wastewater

Program / Project Category Name

10010.1

Project Number

\$ 2,145,000

Remaining Balance

Water & Sewer

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☒

[Signature]
 Department Director

15 Feb 12
 Date

Previous Ordinance or Resolution # _____

[Signature] *Elkins is for*
 City Attorney

Feb 15, 2012
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bahr
 Finance and Internal Services Director

2-21-2012
 Date

02-15-12 P03:16 RC
 Received in City
 Clerk's Office

Kim Man
 Chief of Staff

2-22-12
 Date

Received in
 Mayor's Office

ENTERED
2/16/12
[Signature]

Leonard Jordan
 Mayor

2/22/12
 Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
 Don Marr, Chief of Staff
 David Jurgens, Utilities Director
 Fayetteville Water and Sewer Committee

From: Shannon Jones, Utilities Engineer *S. Jones*

Date: February 3, 2012

Subject: Resolution approving a construction contract with Rosetta Construction, LLC for \$692,223, Bid 12-16, to construct Elkins Outfall Gravity Sewer Improvements.

RECOMMENDATION

Fayetteville City Staff recommends approval of a construction contract with Rosetta Construction, LLC for \$692,223, Bid 12-16, with a contingency of \$50,000 to construct Elkins Outfall Gravity Sewer Improvements, recognize a cost share from the City of Elkins for \$150,000, and a budget amendment.

BACKGROUND

The City of Fayetteville was awarded a State and Tribal Assistance Grant (STAG) in 2010 for \$485,000. The grant funding is matched 55% federal to 45% local. The City's matching funds are \$396,818. The City of Elkins is going to cost-share \$150,000 towards the project, per the attached City of Elkins resolution passed in 2010. This Fayetteville owned line carries Elkins' wastewater flow in addition to Fayetteville water from that area. The purpose of the grant is help fund the rehabilitation of the sanitary sewer system in the area of and including the Elkins outfall sewer line. The available STAG grant will fund \$380,723 of this contract; the balance of the grant will be used to line approximately 6,000 feet of sewer line with a cured-in-place-pipe (CIPP) under our current contract with Insituform Technologies.

DISCUSSION

Under this contract, we will replace approximately 4,500 feet of sewer line that serves as the gravity outfall from the Elkins sewer force main and construct 26 manholes. The City opened six bids on January 31, 2012.

Rosetta Construction, LLC	\$ 692,223.00
T-G Excavating, Inc.	\$ 1,070,707.00
Building & Utility Contractors	\$ 1,201,500.00
Goodwin & Goodwin, Inc.	\$ 1,297,825.00
Horseshoe Construction, Inc.	\$ 1,448,500.00
Redford Construction, Inc.	\$ 1,638,300.00
Engineer's Estimate	\$ 1,300,000.00

Staff reviewed the bids and recommends awarding the contract to Rosetta Construction, LLC. The contractor has completed past sewer projects to the satisfaction of the City of Fayetteville. Construction will begin this spring and will be completed this fall.

BUDGET IMPACT

Funds are available in the sewer impact fees budget and sewer rehabilitation budget. The budget adjustment transfers funds from the impact fee fund to the water/sewer fund, recognizes a cost-share with the City of Elkins in the amount of \$150,000, and creates a contingency of \$50,000.

RESOLUTION NO. 2010-19

A RESOLUTION EXPRESSING THE INTENT TO COST-SHARE WITH THE CITY OF FAYETTEVILLE ON THE REPLACEMENT OF THE SEWER INTERCEPTOR FROM LEWIS WOODS TO FAYETTEVILLE'S MALLY WAGNON LIFT STATION.

WHEREAS, The City of Elkins Water & Sewer Committee caused an assessment of critical capital needs for the Elkins Water & Sewer System to be performed by McClelland Engineers; and,

WHEREAS, McClelland Engineers determined that replacement of the gravity sewer interceptor from Lewis Woods to Mally Wagon Lift Station was necessary to increase the total capacity of Elkin Sewer Collection System; and,

WHEREAS, The City of Fayetteville has been notified of a grant from USEPA to fund 55% of the project cost to replace this sewer interceptor; and,

WHEREAS, The City of Fayetteville has requested Elkins consider cost-sharing the remaining 45% of this project cost with Fayetteville in an amount up-to \$150,000; and,

WHEREAS, The Elkins Water & Sewer Committee, in regular session, determined participating with Fayetteville is the most cost-effective method to replace the sewer interceptor; and,

WHEREAS, Elkins Water & Sewer Committee has determined the Elkins Water & Sewer Utility has sufficient funds to pay this cost share and recommends Elkins City Council approve this resolution of intent.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELKINS, ARKANSAS:

That the City Council of Elkins Arkansas hereby adopts this resolution of intent to cost share with the City of Fayetteville up-to \$150,000.00 for the replacement of the gravity sewer interceptor from Lewis Woods to Mally Wagon Lift Station conditioned on Fayetteville performing the work to replace the sewer interceptor pursuant to the attached documents.

PASSED AND APPROVED this 20th day of May, 2010.


JACK LADYMAN, Mayor

ATTEST:


SUNNY LEDFORD, Recorder-Treasurer
Coe/Mally Wagon Lift Station Res.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH ROSETTA CONSTRUCTION, LLC FOR \$692,223.00 WITH A CONTINGENCY OF \$50,000.00 TO CONSTRUCT THE ELKINS OUTFALL GRAVITY SEWER IMPROVEMENTS AND TO APPROVE THE ATTACHED BUDGET ADJUSTMENT OF \$416,818.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached construction contract with Rosetta Construction, LLC for \$692,223.00 with a contingency of \$50,000.00 to construct the Elkins Outfall Gravity Sewer Improvements and approves the attached budget adjustment of \$416,818.00.

PASSED and APPROVED this 6th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



City of Fayetteville - Official Bid Tabulation
Bid 12-16, Construction of Elkins Outfall - Gravity Sewer Improvements

BID: 12-16
DATE: 01/31/2012
TIME: 2:00 PM

Line Item #	Description	Qty	Unit	Rosetta Construction		T-G Excavating		Building & Utility Contractors, Inc.		Goodwin & Goodwin, Inc.		Horseshoe Construction		Redford Construction, Inc.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization	1	LS	\$ 33,000.00	\$ 33,000.00	\$ 50,407.00	\$ 50,407.00	\$ 50,000.00	\$ 50,000.00	\$ 35,000.00	\$ 35,000.00	\$ 60,000.00	\$ 60,000.00	\$ 80,000.00	\$ 80,000.00
2	Trench & Safety	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00	\$ 15,000.00	\$ 15,000.00	\$ 43,000.00	\$ 43,000.00	\$ 15,000.00	\$ 15,000.00	\$ 30,000.00	\$ 30,000.00
3	Erosion Control	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 7,000.00	\$ 7,000.00	\$ 20,000.00	\$ 20,000.00	\$ 30,000.00	\$ 30,000.00	\$ 5,000.00	\$ 5,000.00	\$ 35,000.00	\$ 35,000.00
4	6" Gravity Sewer Pipe	20	LF	\$ 53.00	\$ 1,060.00	\$ 60.00	\$ 1,200.00	\$ 50.00	\$ 1,000.00	\$ 75.00	\$ 1,500.00	\$ 120.00	\$ 2,400.00	\$ 65.00	\$ 1,300.00
5	8" Gravity Sewer Pipe	50	LF	\$ 55.00	\$ 2,750.00	\$ 80.00	\$ 4,000.00	\$ 100.00	\$ 5,000.00	\$ 80.00	\$ 4,000.00	\$ 150.00	\$ 7,500.00	\$ 75.00	\$ 3,750.00
6	Force Main Reroute	1	LS	\$ 6,000.00	\$ 6,000.00	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 12,000.00	\$ 12,000.00
7	18" PVC, Gravity Sewer Pipe	2600	LF	\$ 82.00	\$ 213,200.00	\$ 60.00	\$ 156,000.00	\$ 120.00	\$ 312,000.00	\$ 115.00	\$ 299,000.00	\$ 190.00	\$ 494,000.00	\$ 182.00	\$ 473,200.00
8	Pipe Bursting from existing 10" sewer to 20"	1900	LF	\$ 82.00	\$ 155,800.00	\$ 190.00	\$ 361,000.00	\$ 180.00	\$ 342,000.00	\$ 225.00	\$ 427,500.00	\$ 200.00	\$ 380,000.00	\$ 185.00	\$ 351,500.00
9	Point Repair	3	EA	\$ 1.00	\$ 3.00	\$ 800.00	\$ 2,400.00	\$ 1,000.00	\$ 3,000.00	\$ 1,500.00	\$ 4,500.00	\$ 3,000.00	\$ 9,000.00	\$ 3,000.00	\$ 9,000.00
10	Install 30" Steel Casement Pipe	420	LF	\$ 125.00	\$ 52,500.00	\$ 160.00	\$ 67,200.00	\$ 100.00	\$ 42,000.00	\$ 200.00	\$ 84,000.00	\$ 195.00	\$ 81,900.00	\$ 175.00	\$ 73,500.00
11	Service Reinstatement	20	EA	\$ 300.00	\$ 6,000.00	\$ 750.00	\$ 15,000.00	\$ 750.00	\$ 15,000.00	\$ 850.00	\$ 17,000.00	\$ 1,500.00	\$ 30,000.00	\$ 1,750.00	\$ 35,000.00
12	Service Laterals	200	LF	\$ 30.00	\$ 6,000.00	\$ 20.00	\$ 4,000.00	\$ 35.00	\$ 7,000.00	\$ 22.00	\$ 4,400.00	\$ 30.00	\$ 6,000.00	\$ 120.00	\$ 24,000.00
13	Standard Manhole, 4' Dia. 0'-6"	26	EA	\$ 2,000.00	\$ 52,000.00	\$ 7,000.00	\$ 182,000.00	\$ 2,500.00	\$ 65,000.00	\$ 3,500.00	\$ 91,000.00	\$ 5,000.00	\$ 130,000.00	\$ 4,000.00	\$ 104,000.00
14	Standard Manhole, 4' Dia Extra Depth	80	VF	\$ 125.00	\$ 10,000.00	\$ 200.00	\$ 16,000.00	\$ 300.00	\$ 24,000.00	\$ 125.00	\$ 10,000.00	\$ 300.00	\$ 24,000.00	\$ 180.00	\$ 14,400.00
15	Manhole, existing, remove	25	EA	\$ 400.00	\$ 10,000.00	\$ 200.00	\$ 5,000.00	\$ 500.00	\$ 12,500.00	\$ 800.00	\$ 20,000.00	\$ 800.00	\$ 20,000.00	\$ 750.00	\$ 18,750.00
16	Reconstruct Invert in Existing Manhole	2	EA	\$ 500.00	\$ 1,000.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,500.00	\$ 5,000.00	\$ 1,000.00	\$ 2,000.00
17	Tie Into Existing Manhole	1	EA	\$ 3,435.00	\$ 3,435.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 1,200.00	\$ 1,200.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00
18	Additional Trench Bedding	160	CY	\$ 20.00	\$ 3,200.00	\$ 25.00	\$ 4,000.00	\$ 25.00	\$ 4,000.00	\$ 35.00	\$ 5,600.00	\$ 20.00	\$ 3,200.00	\$ 50.00	\$ 8,000.00
19	Asphalt Pavement Repair	75	SY	\$ 75.00	\$ 5,625.00	\$ 140.00	\$ 10,500.00	\$ 100.00	\$ 7,500.00	\$ 115.00	\$ 8,625.00	\$ 120.00	\$ 9,000.00	\$ 160.00	\$ 12,000.00
20	Epoxy Coating System, 4' Diameter	240	VF	\$ 135.00	\$ 32,400.00	\$ 200.00	\$ 48,000.00	\$ 300.00	\$ 72,000.00	\$ 225.00	\$ 54,000.00	\$ 200.00	\$ 48,000.00	\$ 160.00	\$ 38,400.00
21	Mitigation Dam	5	EA	\$ 750.00	\$ 3,750.00	\$ 500.00	\$ 2,500.00	\$ 1,500.00	\$ 7,500.00	\$ 1,500.00	\$ 7,500.00	\$ 2,000.00	\$ 10,000.00	\$ 1,400.00	\$ 7,000.00
22	Stream Bank Stabilization	4000	SY	\$ 15.00	\$ 60,000.00	\$ 25.00	\$ 100,000.00	\$ 15.00	\$ 60,000.00	\$ 23.00	\$ 92,000.00	\$ 15.00	\$ 60,000.00	\$ 60.00	\$ 240,000.00
23	Acceptance Inspection by CCTV	4500	LF	\$ 1.00	\$ 4,500.00	\$ 2.00	\$ 9,000.00	\$ 15.00	\$ 67,500.00	\$ 4.00	\$ 18,000.00	\$ 5.00	\$ 22,500.00	\$ 3.00	\$ 13,500.00
24	Site Restoration	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 8,000.00	\$ 8,000.00	\$ 50,000.00	\$ 50,000.00	\$ 28,000.00	\$ 28,000.00	\$ 15,000.00	\$ 15,000.00	\$ 50,000.00	\$ 50,000.00
TOTAL					\$ 692,223.00	TOTAL	\$ 1,070,707.00	TOTAL	\$ 1,201,500.00	TOTAL	\$ 1,297,825.00	TOTAL	\$ 1,448,500.00	TOTAL	\$ 1,638,300.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED:

A. Rasto GPPB, CPPO

WITNESS

DATE

ENGINEER OF RECORD:

SHANNON JONES, P.E.

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)
All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Vendor Number: **16735** Vendor Name: **Rosetta Construction** Requisition No.: _____ Date: **2/3/2012** D. 2 Rosetta Construction, LLC
P.O Number: _____ Expected Delivery Date: _____

Address: **P. O. Box 14024** Fob Point: **Construction Site, Fayetteville** Mail Yes: ☒ XX No: _____ Taxable Yes: ☒ No: ☒ Quotes Attached Yes: _____ No: ☒ XX

City: **Springfield** State: **MO** Zip Code: **65814** Ship to code: _____ Division Head Approval: _____

Requester: **David Jurgens** Requester's Employee #: **490** Extension: **330**

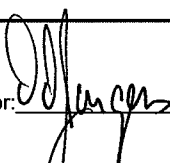
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Gravity Sewer Line- Elkins Outfall	1	EA	692,223.00	\$692,223.00	5400.5700.5815.00	10010.1		
2					\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: **\$692,223.00**
Tax: _____
Total: **\$692,223.00**

Approvals:

Mayor: _____

Department Director: 

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

SECTION 0310

BID PROPOSAL

LOCATION: CITY OF FAYETTEVILLE, ROOM 306
113 W. MOUNTAIN
FAYETTEVILLE, AR 72701
DATE: January 31, 2012 at 2:00 p.m. LOCAL TIME

Proposal of: ROSETTA CONSTRUCTION LLC

Address: P.O. Box 14024
SPRINGFIELD, MO. 65814

Bid For: ELKINS OUTFALL - GRAVITY SEWER IMPROVEMENTS

Bid Submitted to:

The City of Fayetteville
Andrea Foren, Purchasing Agent – Room 306
113 W. Mountain
Fayetteville, AR 72701

BIDDER will complete the **Work** for the unit prices as listed in the **Bid Form**.

Total Base Bid as outlined on **Bid Form**:

SIX HUNDRED NINETY TWO THOUSAND
TWO HUNDRED TWENTY THREE DOLLARS
Amount in Words \$ 692,223.⁰⁰
Figures

The undersigned **BIDDER** proposes and agrees, if this Bid is accepted, to enter into an **Agreement** with **CITY OF FAYETTEVILLE** in the form included in these **Contract Documents** to complete all **Work** as specified or indicated in the **Contract Documents** for the **Contract Price** and within the **Contract Time** indicated in these **Contract Documents**. **BIDDER** accepts the provisions of the **Agreement** as to **Liquidated Damages** in the event of failure to complete the **Work** in the **Contract Time** specified.

BIDDER accepts all of the terms and conditions of the **Information for Bidders**, including without limitation those dealing with the disposition of **BID SECURITY**. This **Bid** will remain open for sixty (60) days after the day of **Bid Opening**. **BIDDER** will sign the **Agreement** required by these **Contract Documents** within ten (10) days after the date of **CITY OF FAYETTEVILLE'S Notice of Award**.

In submission of this **BID**, **BIDDER** represents, as more fully set forth in the **Agreement**, that **BIDDER HAS EXAMINED ALL CONTRACT DOCUMENTS** (including but not limited to **Invitation to Bid, Information for Bidders, and Supplemental Information for Bidders**) and the following **ADDENDA**: #1 1/11/12

Failure to list all necessary Agenda issued by the **CITY OF FAYETTEVILLE** or the **ENGINEER** could mean the **BID** submitted by the **BIDDER** may be deemed unresponsive and not read publicly.

In submission of the **BID**, **BIDDER** represents, that they have examined the site and locality where the **Work** is to be performed, the legal requirements (Federal, State and Local Laws, Ordinances, Rules and Regulations) and the conditions affecting cost, progress or performance of the **Work** and has made such independent investigations as **BIDDER** deems necessary.

In submission of the **BID**, **BIDDER** represents, that this **BID** is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation. The **BIDDER** represents that they have not directly or indirectly induced or solicited any other **BIDDER** to submit a false or sham **BID**. The **BIDDER** represents that they have not solicited or induced any person, firm or corporation to refrain from bidding and have not sought by collusion to obtain for themselves any advantage over any other **BIDDER** or over the **CITY OF FAYETTEVILLE**.

All terms used in the **BID** are defined and have the meanings assigned to them in the **General Conditions** of these **Contract Documents**.

Attached to this **BID FORM** is the required Bid Security in the form of a Bid Bond or Certified Check in the amount of five (5) percent of the Total Bid Amount.

BIDDER submitting this **BID** is:

☒ A Corporation, incorporated in the State of MISSOURI

☐ A Partnership, consisting of the following partners, whose full names are: _____

☐ An Individual whose full name is: _____

ROSETTA CONSTRUCTION LLC

General Contractor (Firm Name)

Victor Rosetta

Signed By

PRES./MGR.

Title

1/31/12

Date

P.O. Box 14024

Address

SPRINGFIELD, MO. 65814

417-886-2097 / 417-881-5758

Telephone Number & Fax

0172540412

AR. Contractor's License Number

SECTION 0310 - BID PROPOSAL

<u>Item</u>	<u>Approx.</u>	<u>Unit Price In</u>	
<u>No.</u> <u>Item Description</u>	<u>Qty.</u> <u>Unit</u>	<u>Figures</u>	<u>Total</u>
1 Mobilization	1 LS		
<u>THIRTY THREE THOUSAND</u> dollars		<u>\$ 33,000.00</u>	<u>\$ 33,000.00</u>
2 Trench & Safety Systems	1 LS		
<u>FIVE THOUSAND</u> dollars		<u>\$ 5,000.00</u>	<u>\$ 5,000.00</u>
3 Erosion Control	1 LS		
<u>TWENTY THOUSAND</u> dollars		<u>\$ 20,000.00</u>	<u>\$ 20,000.00</u>
4 6" SDR-26 PVC, Gravity Sewer Pipe	20 LF		
<u>FIFTY THREE</u> dollars		<u>\$ 53.00</u>	<u>\$ 1,060.00</u>
5 8" SDR-26 PVC, Gravity Sewer Pipe	50 LF		
<u>FIFTY FIVE</u> dollars		<u>\$ 55.00^{VAR}</u>	<u>\$ 2,750.00</u>
6 Force Main Reroute, 12" DR-14 PVC Pipe & DI Fittings	1 LS		
<u>SIX THOUSAND</u> dollars		<u>\$ 6,000.00</u>	<u>\$ 6,000.00</u>
7 18" PVC (P.S. 115), Gravity Sewer Pipe	2600 LF		
<u>EIGHTY-TWO</u> dollars		<u>\$ 82.00</u>	<u>\$ 213,200.00</u>
8 Pipe Bursting From Existing 10" Sewer to 20" DR-17 HDPE (IPS)	1900 LF		
<u>EIGHTY-TWO</u> dollars		<u>\$ 82.00</u>	<u>\$ 155,800.00</u>

WE PLAN TO OPEN CUT IN LIEU
OF PIPE BURSTING.

SECTION 0310 - BID PROPOSAL

<u>Item</u>	<u>Approx.</u>	<u>Unit Price In</u>	
<u>No.</u> <u>Item Description</u>	<u>Qty.</u> <u>Unit</u>	<u>Figures</u>	<u>Total</u>
9 Point Repair	3 EA		
<u>ONE</u> dollars		<u>\$ 1.⁰⁰</u>	<u>\$ 3.⁰⁰</u>
10 Install 30" Steel Encasement Pipe	420 LF		
<u>ONE HUNDRED TWENTY FIVE</u> dollars		<u>\$ 125.⁰⁰</u>	<u>\$ 52,500.⁰⁰</u>
11 Service Reinstatement	20 EA		
<u>THREE HUNDRED</u> dollars		<u>\$ 300.⁰⁰</u>	<u>\$ 6,000.⁰⁰</u>
12 Service Laterals	200 LF		
<u>THIRTY</u> dollars		<u>\$ 30.⁰⁰</u>	<u>\$ 6,000.⁰⁰</u>
13 Standard Manhole, 4' Dia. 0'-6'	26 EA		
<u>TWO THOUSAND</u> dollars		<u>\$ 2,000.⁰⁰</u>	<u>\$ 52,000.⁰⁰</u>
14 Standard Manhole, 4' Dia. Extra Depth	80 VF		
<u>ONE HUNDRED TWENTY FIVE</u> dollars		<u>\$ 125.⁰⁰</u>	<u>\$ 10,000.⁰⁰</u>
15 Manhole, Existing, Remove	25 EA		
<u>FOUR HUNDRED</u> dollars		<u>\$ 400.⁰⁰</u>	<u>\$ 10,000.⁰⁰</u>
16 Reconstruct Invert in Existing Manhole	2 EA		
<u>FIVE HUNDRED</u> dollars		<u>\$ 500.⁰⁰</u>	<u>\$ 1,000.⁰⁰</u>

SECTION 0310 - BID PROPOSAL

<u>Item</u>	<u>Approx.</u>	<u>Unit Price In</u>	
<u>No.</u> <u>Item Description</u>	<u>Qty.</u> <u>Unit</u>	<u>Figures</u>	<u>Total</u>
17 Tie Into Existing Manhole	1 EA		
<u>THREE THOUSAND FOUR HUNDRED THIRTY FIVE</u> dollars		<u>\$ 3,435.00</u>	<u>\$ 3,435.00</u>
18 Additional Trench Bedding	160 CY		
<u>TWENTY</u> dollars		<u>\$ 20.00</u>	<u>\$ 3,200.00</u>
19 Asphalt Pavement Repair	75 SY		
<u>SEVENTY FIVE</u> dollars		<u>\$ 75.00</u>	<u>\$ 5,625.00</u>
20 Epoxy Coating System, 4' Diameter	240 VF		
<u>ONE HUNDRED THIRTY FIVE</u> dollars		<u>\$ 135.00</u>	<u>\$ 32,400.00</u>
21 Mitigation Dam	5 EA		
<u>SEVEN HUNDRED FIFTY</u> dollars		<u>\$ 750.00</u>	<u>\$ 3,750.00</u>
22 Stream Bank Stabilization	4000 SY		
<u>FIFTEEN</u> dollars		<u>\$ 15.00</u>	<u>\$ 60,000.00</u>
23 Acceptance Inspection by CCTV	4500 LF		
<u>ONE</u> dollars		<u>\$ 1.00</u>	<u>\$ 4,500.00</u>
24 Site Restoration	1 LS		
<u>FIVE THOUSAND</u> dollars		<u>\$ 5,000.00</u>	<u>\$ 5,000.00</u>

SECTION 0311

BIDDER'S STATEMENT OF SUBCONTRACTORS

The undersigned **BIDDER** proposes and agrees, if this **BID** is accepted, to use the following proposed subcontractors on this **Work**:

NAME	BUSINESS ADDRESS	WORK TO BE PERFORMED
1. <u>ACE PIPE CLEANING</u>	<u>4000 TRUMAN RD.</u> <u>KANSAS CITY, MO.</u>	<u>POST TV</u> <u>M/H EPOXY CTG.</u> $\approx 5\%$
2. <u>GRAND EFX</u>	<u>LOWELL, AR</u>	<u>EROSION CONTROL +</u> <u>SEEDING</u> $\approx 3\%$
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

The undersigned **BIDDER** agrees that seventy percent (70%) of the **Work** will be required to be performed with his own forces unless a variance is requested and granted from the **CITY OF FAYETTEVILLE**.

Date: 1/31/12

Signed: Victor Rosetta

SECTION 0420

STATEMENT OF BIDDER'S QUALIFICATIONS

All requests must be addressed in writing and the data given must be clear and comprehensive. This statement must be notarized. If necessary, questions may be answered on separate attached sheets. The BIDDER may submit any additional information he/she desires.

A. REQUESTS REGARDING BIDDER

1. Name of Bidder.
2. Permanent main office address.
3. When organized.
4. If a corporation, where incorporated.
5. How many years have you been engaged in the contracting business under your present firm or trade name?
6. Contracts on hand: (Schedule these, showing amount of each contract and the anticipated dates of completion.)
7. General character of work performed by your company.
8. Have you ever failed to complete any work awarded to you. (If so, where and why?)
9. Have you ever defaulted on a contract ? (If so, where and why?)
10. List similar project of the size and magnitude of this Project which were completed by your company, stating the cost for each and the month and year completed. Include the entity for which the work was performed with names, titles, and phone numbers.
11. List your major equipment currently available for this contract and designate whether owned or leased.
12. Background and experience of field personnel currently employed by your organization who will perform the work.
13. Background and experience of the principal members (officers) of your organization. Include president, vice president, secretary, treasurer, etc.
14. Give Bank reference.
15. Will you, upon request, fill out a detailed financial statement and furnish any other information that may be required by the City of Fayetteville.
16. Give bonding agent and limit.
17. If subcontractor is to be used for this contract, state the percentage of work anticipated to be completed by subcontractor. If subcontractor is to perform work, a separate Statement of Bidder's Qualifications regarding subcontractor and the method used by the subcontractor. Refer to Section 0100 & Section 0311.

Submit this Statement of Bidders Qualifications to the Engineer. Qualifications shall be submitted in a separate sealed envelope at the date and time listed on the Bid Proposal.

ROSETTA CONSTRUCTION LLC
(Name of Bidder)

By: Victor Rosetta

Title: PRES./MGR.

END OF SECTION 0420

SECTION 0500

AGREEMENT BETWEEN CITY OF FAYETTEVILLE AND ROSETTA CONSTRUCTION, LLC

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2012 by and between the **CITY OF FAYETTEVILLE** and **ROSETTA CONSTRUCTION, LLC**.

1. The **ROSETTA CONSTRUCTION, LLC** shall commence and complete all Work as specified or indicated in the Contract Documents. The **WORK** is generally described as follows:

ELKINS OUTFALL - GRAVITY SEWER IMPROVEMENTS

2. The **ROSETTA CONSTRUCTION, LLC** shall furnish all materials, supplies, tools, equipment, labor and other service necessary for the completion of the **WORK** described herein.
3. The **ROSETTA CONSTRUCTION, LLC** shall commence the **WORK** required by the **CONTRACT DOCUMENTS** on or before a date to be specified in the **NOTICE TO PROCEED** and completed and ready for final payment within **180** calendar days. The **ROSETTA CONSTRUCTION, LLC** shall pay the **CITY OF FAYETTEVILLE**, as liquidated damages, the sum of **\$500** for each calendar day thereafter that the **WORK** is not complete.
4. The **ROSETTA CONSTRUCTION, LLC** agrees to perform all of the **WORK** described in the **CONTRACT DOCUMENTS** and comply with the terms therein as shown in the **BID PROPOSAL**.
5. The term **CONTRACT DOCUMENTS** shall mean and include the following:
 - 5.1 Invitation to Bid
 - 5.2 Information for Bidders
 - 5.3 Supplemental Information for Bidders
 - 5.4 Bid Proposal
 - 5.5 Bid Bond
 - 5.6 Agreement Between City of Fayetteville and **ROSETTA CONSTRUCTION, LLC**
 - 5.7 Performance and Payment Bond
 - 5.8 General Conditions
 - 5.9 Prevailing Wage Rates
 - 5.10 Notice of Award
 - 5.11 Notice to Proceed
 - 5.12 Project Manual
 - 5.13 Addenda Numbers 1 to 1.
 - 5.14 Change Orders

6. The **CITY OF FAYETTEVILLE** shall pay the **ROSETTA CONSTRUCTION, LLC** in the manner and at such times as set forth in the General Conditions such amounts as required by the **CONTRACT DOCUMENTS**.
7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.
8. **MISCELLANEOUS**
 - 8.1. Terms used in the Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.
 - 8.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.
 - 8.3. City of Fayetteville and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.
 - 8.4. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.
 - 8.5. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.
 - 8.6. **Freedom of Information Act.** City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, Contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
 - 8.7. This contract must be interpreted under Arkansas Law.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE and ROSETTA CONSTRUCTION, LLC have signed this Agreement in quadruplicate. Three counterparts have been delivered to the City of Fayetteville, and one counterpart has been delivered to Contractor. All portions of the Contract Documents have been signed, initialed, or identified by City of Fayetteville and Contractor or identified by Engineer on their behalf.

OWNER

CONTRACTOR

CITY OF FAYETTEVILLE

ROSETTA CONSTRUCTION, LLC

BY _____
Mayor Lioneld Jordan

BY _____

[CORPORATE SEAL]

[CORPORATE SEAL]

ATTEST _____

ATTEST _____

Address for giving notices:

Address for giving notices:

113 W. Mountain
Fayetteville, AR 72701

P.O. BOX 14024

Springfield, MO 65814

License No. 0172540412

Agent for service of process: _____

(If **CONTRACTOR** is a
corporation, attach evidence of authority to
sign.)

(THIS PAGE INTENTIONALLY LEFT BLANK)

END OF SECTION 0500

SECTION 0660

CONTRACTOR'S ACT OF ASSURANCE FORM

As the authorized representative of the individual, incorporation, or corporation (hereinafter referred to as the company) bidding on or participating in the project, I certify that I have read and understand the requirements of the General and/or Supplemental Conditions and that the principles, agents and employees of the company will comply with these requirements including all relevant statutes and regulations issued pursuant thereto. I further certify as the authorized agent of the company that:

EQUAL OPPORTUNITY I will comply with all requirements of 41 CFR Chapter 60 and Executive Orders 11246 and 11375, including inclusion of all required equal opportunity clauses in each sub-contract awarded in excess of \$10,000 and I will furnish a similar statement from each proposed subcontractor, when appropriate. I will also comply with all Equal Employment Opportunity requirements as defined by Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 regarding sex discrimination.

NONSEGREGATED FACILITIES The company that I represent does not and will not maintain any facilities provided for its employees in a segregated manner, or permit its employees to perform their services at any location under company control where segregated facilities are maintained; and that the company will obtain a similar certification prior to the award of any subcontract exceeding \$10,000 which is not exempt from the equal opportunity clause.

LABOR STANDARDS I will comply with the Labor Standards Provisions contained in the Contract Documents and furnish weekly payrolls and certifications as may be required by the City of Fayetteville to affirm compliance. I will also require that weekly payrolls be submitted to the City of Fayetteville for all subcontracts in excess of \$2,000.

OSHA REQUIREMENTS I will comply with the Department of Labor Safety and Health Regulations promulgated under Section 107 of the Contract Work Hours and Safety Standard Act (40 U.S.C. 327-333) in the performance of the contract.

PROCUREMENT PROHIBITIONS As required by Executive Order 11738, Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, I certify that I will not procure goods and services from persons who have been convicted of violations of either law if the goods or services are to be produced by the facility that gave rise to the violation.

DEBARMENT AND SUSPENSION I certify that to the best of my knowledge and belief that the company that I represent and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification regarding debarment and suspension may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine. I further certify that I will obtain a similar certification for each subcontract awarded in excess of \$25,000.

AUTHORIZED REPRESENTATIVE

COMPANY NAME: Rosetta Construction LLC

SIGNATURE: Victor Rosetta DATE: 1/31/12

PRINTED NAME: VICTOR ROSETTA TITLE: PRES./MGR.

END OF SECTION 0660

XP-211

BIDDER'S CERTIFICATIONS*

Project Name ELKINS OVERPASS Project Number XP- 00F27401-0
Contract For CITY OF FAYETTEVILLE, AR.

The following certifications must be completed by the bidder for each contract.

A. EQUAL EMPLOYMENT OPPORTUNITY:

- (☒) I have developed and have on file at my each establishment affirmative action programs pursuant to 41 CFR Part 60-2.
- (☒) I have participated in previous contract(s) or subcontract(s) subject to the equal opportunity clause under **Executive Orders 11246 and 11375**. I have filed all reports due under the requirements contained in 41 CFR 60-1.7.
- (☐) I have not participated in previous contract(s) subject to the equal opportunity clause under **Executive Orders 11246 and 11375**.
- (☒) I will obtain a similar certification from any proposed subcontractor(s), when appropriate.

B. NONSEGREGATED FACILITIES

- (☒) I certify that I do not and will not maintain any facilities provided for my employees in a segregated manner, or permit my employees to perform their services at any location under my control where segregated facilities are maintained; and that I will obtain a similar certification prior to the award of any federally assisted subcontract exceeding \$10,000 which is not exempt from the equal opportunity clause as required by 41 CFR 60-1.8.

I understand that a false statement on this certification may be grounds for rejection of this bid proposal or termination of the contract award.

VICTOR ROSETTA PRES./MGR.
Typed Name & Title of Bidder's Authorized Representative

Victor Rosetta 1/31/12
Signature of Bidder's Authorized Representative Date

P.O. BOX 14034

Springfield, MO. 65814
Name & Address of Bidder

*This is a suggested format. The grantee may substitute other equivalent format.

**CERTIFICATION BY CONTRACTOR
STATEMENT OF COMPLIANCE
WITH LABOR STANDARDS**

In accordance with Title 29, Subtitle A, Part 5, Section 5.6(a)(1), each monthly engineering estimate must be accompanied by the following certification executed by each prime contractor employing mechanics and laborers at the site on work.

Estimate No. _____ for period _____ to _____

Name of Project

Location

Contract No.

Date Contract Awarded

Project No.

I hereby certify that all of the contract requirements as specified under the applicable labor standards as set forth in the Copeland "Anti-Kickback" Act and the Contract Work Hours and Safety Standards Act, have been complied with by _____
_____ as principal contractor and by each _____

(Name of Contractor)

subcontractor employing mechanics or laborers at the site of the work, or there is a substantial dispute with the respect to the required provisions.

VICTOR ROSETH PRES./MGR.
Typed Name & Title of Contractor's Authorized Representative

Victor Roseth
Signature of Contractor's Authorized Representative Date

I understand that the falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

NOTES:

1. This certification may be placed on the estimate or on a separate sheet attached to the estimate.
2. The responsible State Agency shall, prior to approving a voucher, satisfy itself that copies of these certificates are on file with the Grantee.

XP-215

MBE/WBE/SBRA UTILIZATION INFORMATION SHEET*

NOTE: The bidders/contractors shall complete the following Minority/Women=s/Small Business in Rural Area (MBE/WBE/SBRA) utilization information **whenever** they solicit subcontract construction work and/or services and purchase of equipment and supplies for the project in order to provide the fair share of the total dollar amount of the contract for

MBE: Construction _____ % Equipment: _____ %, Supplies _____ %, Services _____ %
WBE: Construction: _____ %, Equipment: _____ %, Supplies: _____ %, Services: _____ %

1. Do you maintain and update qualified MBE, WBE, and SBRA on your solicitation lists for supplies, equipment, construction and/or service? Yes___ No X

If yes, when did you update your MBE/WBE/SBRA solicitation lists? _____

2. Do you maintain a list of minority, women and rural small business-focused publications that may be utilized to solicit MBEs or WBEs or SBRA's? Yes___ No X

If yes, name the publications: _____

3. Do you use the services of outreach programs sponsored by the Minority Business Development Agency and/or the Small Business Administration to recruit bona fide MBE/WBE/SBRA firms for placement on your solicitation lists? Yes___ No X

4. Do you seek out Minority Business Development Centers to assist you in identifying MBEs/WBEs/SBRAs for potential work opportunities on your proposed bid for this project? Yes___ No X

5. Do you analyze the bid package or contract documents to identify portions of work that can be divided and performed by qualified MBEs, WBEs and SBRA's including the bonding range? Yes X No___

If yes, please attach a brief description of portions of work you have identified for subcontracting. *SEEDING, CCTV INSPECTION, EPOXY COATING MANHOLE'S*

6. Do you develop realistic delivery schedules which may provide for greater MBE/WBE/SBRA participation? Yes X No___

7. Do you send a letter of solicitation to MBE/WBE/SBRA for this project? Yes___ No X

If yes, please attach a sample copy of each different solicitation letter and the name and address of each MBE/WBE/SBRA.

8. Do you advertise in general circulation, trade journals, State agency publications of identified MBEs/WBEs/SBRAs, minority or women or rural small business focused media, etc., concerning the subcontracting opportunities on your proposed bid for this project? Yes__ No x
If yes, please list the name of publication and dates of advertisement and attach a copy of each advertisement from each publication.

9. Do you conduct pre-bid, pre-solicitation, and post award conferences, meetings and follow-ups with interested MBE, WBE and SBRA? Yes__ No x

If yes, please list person who attended conference as representative of MBE/WBE/SBRA

Name & Title of Person: _____

Name of MBE/WBE/SBRA: _____

Address: _____ Phone: _____

Date and Place of Conference: _____

Name & Title of Person: _____

Name of MBE/WBE/SBRA: _____

Address: _____ Phone: _____

Date and Place of Conference: _____

Name & Title of Person: _____

Name of MBE/WBE/SBRA: _____

Address: _____ Phone: _____

Date and Place of Conference: _____

10. Total dollar amount of the contract: \$ _____

11. Total dollar amount and percentage of MBE/WBE/SBRA participation:

MBE: Construction: 0 %, Equipment: 0 %, Supplies: 0 %, Services: 0 %
 (\$) (\$) (\$) (\$)
 WBE: Construction: 0 %, Equipment: 0 %, Supplies: 0 %, Services: 0 %
 (\$) (\$) (\$) (\$)
 SBRA: Construction: 0 %, Equipment: 0 %, Supplies: 0 %, Services: 0 %
 (\$) (\$) (\$) (\$)

12. Name, address, phone number, contact person, type of construction subcontract, and dollar amount of subcontract.

MBE Subcontractor:	WBE Subcontractor:	SBRA Subcontractor:
Address:	Address:	Address:
Phone:	Phone:	Phone:
Contact Person:	Contact Person:	Contact Person:
Type of Work:	Type of Work:	Type of Work:
Amount:\$	Amount:\$	Amount:\$

MBE Subcontractor:	WBE Subcontractor:	SBRA Subcontractor:
Address:	Address:	Address:
Phone:	Phone:	Phone:
Contact Person:	Contact Person:	Contact Person:
Type of Work:	Type of Work:	Type of Work:
Amount:\$	Amount:\$	Amount:\$

Rosetta Construction LLC
VICTOR ROSSETTA
Victor Rosetta 1/31/12

*XP-215 is a suggested format. The grantee may substitute other equivalent format.

BID BOND

Conforms with The American Institute of
Architects, A.I.A. Document No. A-310

KNOW ALL BY THESE PRESENTS, That we, Rosetta Construction, LLC.

_____ as Principal, hereinafter called the Principal,
and the Hartford Fire Insurance Company,

of One Hartford Plaza, Hartford, CT. 06155 (888) 266-3488, a corporation duly organized under
the laws of the State of Connecticut, as Surety, hereinafter called the Surety, are held and firmly bound unto

City of Fayetteville, Arkansas as Obligee, hereinafter called the Obligee,

in the sum of 5% of Bid Amount -----

Dollars (\$ 5% of Bid Amount) , for the payment of which sum well and truly to be made, the said Principal and the said
Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Elkins Outfall Gravity Sewer Improvements

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee
in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with
good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in
the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the
Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such
larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this
obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 31st day of January, 2012.

Jerusa Rosetta
Witness

Julia Turner
Witness

Rosetta Construction, LLC. (Seal)
Principal

{ Victor Rosetta
VICTOR ROSETTA PRES./MGR. Title

Hartford Fire Insurance Company
By Callae J. Doty Attorney-in-Fact

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-4

P.O. BOX 2103, 690 ASYLUM AVENUE
HARTFORD, CONNECTICUT 06115

call: 888-266-3488 or fax: 860-757-5835

Agency Code: 37-280517

Resette Construction, LLC
Page 29 of 30

KNOW ALL PERSONS BY THESE PRESENTS THAT:

- ☒ Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- ☒ Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- ☐ Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- ☐ Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- ☐ Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- ☐ Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- ☐ Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- ☐ Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of unlimited:**

Callae J. Doty, Gary L. Yost, De Elda F. Rogers, William L. Southworth, Jr., Thomas A. Montileone, Brandi J. Bradley
of
Springfield, MO

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by ☒, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on January 22, 2004 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Scott Sadowsky

Scott Sadowsky, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Assistant Vice President

STATE OF CONNECTICUT

COUNTY OF HARTFORD

ss. Hartford

On this 3rd day of March, 2008, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Scott E. Paseka

Scott E. Paseka
Notary Public

My Commission Expires October 31, 2012

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of January 31, 2012.

Signed and sealed at the City of Hartford.



Gary W. Stumper

Gary W. Stumper, Assistant Vice President



P. O. Box 14024
SPRINGFIELD, MO 65814

ROSETTA
CONSTRUCTION, LLC
WWW.ROSETTACONSTRUCTION.COM

(O) 417-886-2094
(FAX) 417-881-5758

City of Fayetteville
113 W. Mountain Street
Fayetteville, Arkansas 72701
Attn: Shannon Jones, P.E.

Re: Elkins Outfall-Gravity Sewer Improvements

Dear Shannon,

With regards to MBE/WBE participation we are providing the additional information.

We reviewed the above referenced project and considered all phases of work that could be subcontracted. It appeared to us that subcontracting post TV of the completed sewer line, epoxy coating of manholes and site restoration would be phases of work for potential MBE/WBE firms.

We reviewed the Arkansas Unified Disadvantaged Business Directory (January 11, 2012) and did not find anyone registered for this type of work. We received bids from several subcontractors for these items but none were DBE/MBE/WBE firms.

If during the construction of this project an opportunity to subcontract work to a qualified DBE/MBE/WBE firm we will attempt to do so

Sincerely,

A handwritten signature in black ink, appearing to read "Victor Rosetta". The signature is fluid and cursive, with a prominent "V" and "R".

Victor Rosetta
President- Rosetta Construction LLC

City of Fayetteville Staff Review Form

D. 3
RZN 12-4024 (1934
E. Huntsville Rd./Stiles)
Page 1 of 26

**City Council Agenda Items
and
Contracts, Leases or Agreements**

3/6/2012

City Council Meeting Date
Agenda Items Only

Jesse Fulcher
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 12-4024: (1934 E. HUNTSVILLE RD./STILES, 565): Submitted by Sharon Stiles for property located at 1934 EAST HUNTSVILLE ROAD. The property is zoned RSF-4, Residential Single-Family, 4 units per acre and contains approximately 0.41 acres. The request is to rezone the subject property to NS, Neighborhood Services.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

Program / Project Category Name

Project Number

\$

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

Jessie C. Fulcher
Department Director

02-16-2012
Date

Previous Ordinance or Resolution #

Kim G.
City Attorney

2-16-12
Date

Original Contract Date:

Original Contract Number:

Paul A. Baker
Finance and Internal Services Director

2-17-2012
Date

Received in City Clerk's Office
02-15-12 11:35 RCVD
Kim G.

Don Man
Chief of Staff

2-17-12
Date

Received in
Mayor's Office

Donald Jordan
Mayor

2/21/12
Date

ENTERED
2/16/12
P.H.

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director *JP*

From: Jesse Fulcher, Current Planner

Date: February 16, 2012

Subject: RZN 12-4024 (1934 E. Huntsville Rd./Stiles)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property from RSF-4, Residential Single-family, 4 units per acre to NS, Neighborhood Services.

BACKGROUND

The subject property at 1934 E. Huntsville Road was developed in 1963 with a 1,600 sq. ft. building that was used for television sales and repairs. The property was purchased in 1972 by the current applicants and converted to a catering business with approval of the Planning Commission. The applicant returned to the Planning Commission in 1985 requesting approval for an antique shop in the RSF-4 zoning district. This was allowed under Use Unit 2, City wide uses by conditional use permit. The request was approved and allowed the applicant to construct an additional building behind the original building. The antique shop and buildings have remained relatively unchanged since that time.

The applicant recently submitted a building permit for construction of a 32' x 12' storage building on the north side of the property. They intend to use the building for holding furniture that has been purchased by customers and that will be picked up at a later date. Staff was unable to approve the permit, since it's an expansion to a use that was allowed by a conditional use permit. Usually a request to amend the original conditional use application would be an available option for the applicant. However, an antique shop is no longer allowed as a conditional use in the RSF-4 zoning district, requiring the applicant to rezone the property to a district that allows Use Unit 15, Neighborhood Shopping Goods, either by right or by conditional use.

The applicant has submitted an application to rezone approximately 0.41 acres from RSF-4 to NS, Neighborhood Services. This will allow the applicant to request conditional use approval for Use Unit 15, Neighborhood Shopping Goods, which will allow an antique store and the desired expansion.

DISCUSSION

On February 13 2012, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 9-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 12-4024, FOR APPROXIMATELY 0.4 ACRES, LOCATED AT 1934 EAST HUNTSVILLE ROAD FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO NS, NEIGHBORHOOD SERVICES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RSF-4, Residential Single-Family, 4 units per acre to NS, Neighborhood Services, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and APPROVED this day of , 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

D. 3
RZN 12-4024 (1934
E. Huntsville Rd./Stiles)
Page 4 of 26

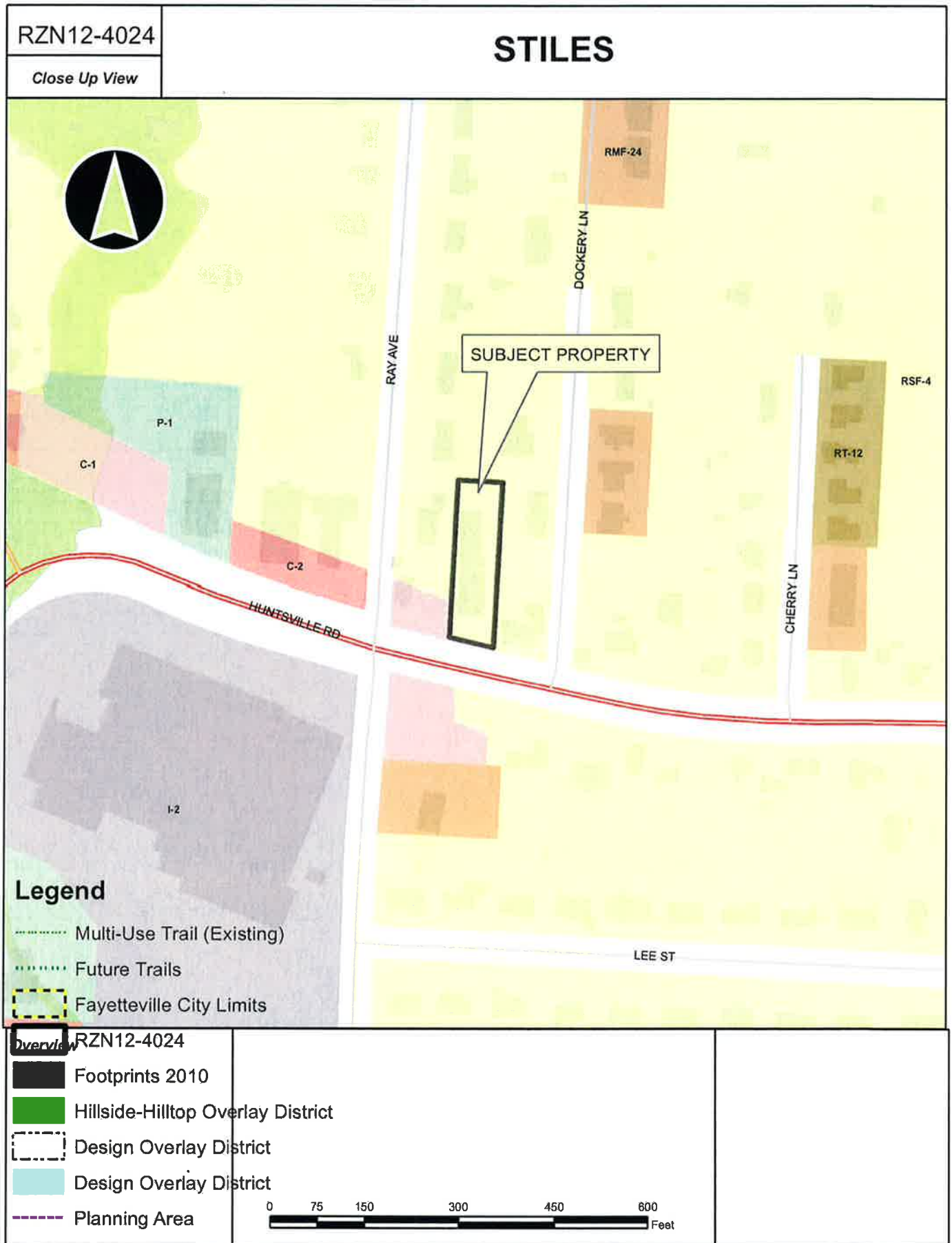


EXHIBIT "B"
RZN 12-4024

A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH LINE OF ARKANSAS STATE HIGHWAY NO. 16, WHICH IS 520 FEET WEST AND 507.7 FEET SOUTH OF THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT, AND RUNNING THENCE NORTH 278 FEET, THENCE EAST 70 FEET, THENCE SOUTH TO THE NORTH LINE OF SAID ARKANSAS STATE HIGHWAY NO. 16, THENCE IN A NORTHWESTERLY DIRECTION WITH SAID NORTH LINE OF SAID ARKANSAS HIGHWAY NO. 16 TO THE POINT OF THE BEGINNING, AND CONTAINING 40/100 ACRES, MORE OR LESS.



PC Meeting of February 13, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~February 8, 2012~~ Updated February 16, 2012

RZN 12-4024: Rezone (1934 E. HUNTSVILLE RD./STILES, 565): Submitted by SHARON STILES for property located at 1934 EAST HUNTSVILLE ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.41 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

Planner: Jesse Fulcher

BACKGROUND:

Property Description: The subject property at 1934 E. Huntsville Road was developed in 1963 with a 1,600 sq. ft. building that was used for television sales and repairs. The property was purchased in 1972 by the current applicants and converted to a catering business with approval of the Planning Commission. The applicant returned to the Planning Commission in 1985 requesting approval for an antique shop in the RSF-4 zoning district. This was allowed under Use Unit 2, City wide uses by conditional use permit. The request was approved and allowed the applicant to construct an additional building behind the original building. The antique shop and buildings have remained relatively unchanged since that time. Surrounding land uses and zoning are shown in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Residential	RSF-4, Residential single-family, 4 units per acre
South	Residential	C-1, Neighborhood Commercial and RSF-4
East	Residential	RSF-4, Residential single-family, 4 units per acre
West	Residential	C-1, Neighborhood Commercial and RSF-4

Reason for request: The applicant recently submitted a building permit for construction of a 32' x 12' storage building on the north side of the property. They intend to use the building for holding furniture that has been purchased by customers and that will be picked up at a later date. Staff was unable to approve the permit, since it's an expansion to a use that was allowed by a conditional use permit. Usually a request to amend the original conditional use application would be an available option for the applicant. However, an antique shop is no longer allowed as a conditional use in the RSF-4 zoning district, requiring the applicant to rezone the property to a district that allows Use Unit

15, Neighborhood Shopping Goods, either by right or by conditional use.

Proposal: The applicant has submitted an application to rezone approximately 0.41 acres from RSF-4 to NS, Neighborhood Services. This will allow the applicant to request conditional use approval for Use Unit 15, Neighborhood Shopping Goods, which will allow an antique store and the desired expansion.

Public Comment: Staff has not received public comment.

RECOMMENDATION: Staff recommends forwarding RZN 12-4024 to the City Council with a recommendation of approval based on findings stated herein.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>February 13, 2012</u>	☒ Forwarded	☐ Denied	☐ Tabled	
Motion:	<u>Chesser</u>	Second:	<u>Griffin</u>	Vote:	<u>9-0-0</u>
CITY COUNCIL ACTION:				Required	<u>YES</u>
Date:	<u>March 6, 2012</u>	☐ Approved	☐ Denied		

INFRASTRUCTURE:

- Streets:** The site has access to Huntsville Road, an unimproved two lane street. The Huntsville Road widening is funded and in design review. These improvements will extend from Stonebridge Road to Armstrong Avenue.
- Water:** There is an 8" water main along Huntsville Road. A new 12" water main is proposed along the south side of the street when the road is widened.
- Sewer:** There is a 6" sewer main to the north of the property.
- Drainage:** Standard improvements and requirements for drainage will be required for any future development.
- Police:** The Fayetteville Police Department has not raised any concerns with the rezoning request.
- Fire:** The Fayetteville Fire Department finds that this rezoning will not affect calls for service or response times.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Residential Neighborhood Area**. These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.*

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The subject property was developed as a small scale commercial establishment in 1963 and has been used as such continuously for the last 49 years. Rezoning the property to Neighborhood Services, which is designed to serve as a mixed use area of low intensity small-scale commercial establishments, will be consistent with the historical land use. This zoning designation will also be consistent with the Future Land Use Plan, which designates this property as a Residential Neighborhood Area. While these areas are predominantly residential, it also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The proposed rezoning is needed at this time, so the property owner can request approval from the Planning Commission (by conditional use) to allow a small outbuilding to be constructed on the property. An antique shop is not a permitted use, or a conditional use in the current RSF-4 zoning district. Rezoning the property to NS will allow the applicant to submit a conditional use application requesting an expansion to the existing facility.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The owner plans to continue using the property for a antique store after it is rezoned, so an increase in traffic danger or congestion isn't expected. It is possible that the property could be redeveloped, but this would occur after Huntsville Road is widened to four lanes.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Redevelopment of the property under the NS designation could result in a slight increase in residential density, but not to a degree that would create an undesirable increase on public services.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: Not applicable. Staff is recommending approval.

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
-------------------------	--------

Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

161.16 Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(B) *Uses*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cottage Housing Development

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes

(C) *Density.*

Units per acre	10 or less
----------------	------------

(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
---------------	---------------

Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 15 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.
-------------------------	--------

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot.

CHAPTER 162: USE UNITS

L) Unit 12. Limited business.

- (1) *Description.* Unit 12 consists of small-scale establishments offering commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale and appearance with the surrounding neighborhood. These uses shall be subject to the regulations in Chapter 164. All uses classified under Unit 12 must be within a building containing 3,000 square feet or less.

(2) *Included uses.*

Personal Services: (Maximum gross floor area of 1500 square feet)	•Day care •Dry Cleaning •Salon/Barber shop •Tailoring
Specialized Retail: (Maximum gross floor area of 2000 square feet)	•Antique/home decor sales •Apparel •Art/architectural supplies •Bakery, Pastry shops •Bicycle Shops •Book store •Coffee shop •Delicatessen •Drugstore •Food specialty stores •Florist •Grocery •Hardware •Health food store •Hobby /Craft Stores •Ice cream •Meat Market •Restaurant/café •Small appliance repair •Stationary Store •Toy store •Video rental
Professional Offices: (Maximum gross floor area of 3000 square feet)	•Accountant •Architect •Attorney •Broker •Business/Mgmt Consultant •Doctor •Dentist •Engineer •Insurance Sales •Interior Designer •Optometrist •Realtor •Welfare agency
Studios for: (Maximum gross floor area of 3000 square feet)	•Art •Dance •Music •Photography •Pottery

Zoning Review

To: Amy Sloan and Jesse Fulcher
From: Captain Mark Stevens
Date: February 16, 2012
Re: RZN 12-4024 (1934 E. Huntsville)

This development will be protected by Ladder 3 located at 1050 S. Happy Hollow.
It is .5 miles from the station with an anticipated response time of 2 minutes to the beginning of the development.

This is a rezoning request for a location that currently has an occupied business in operation. Therefore the Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Captain Mark Stevens
Assistant Fire Marshal
Fayetteville Fire Department

APPLICATION FOR RE-ZONING

A. BILL AND SHARON STILES
1934 EAST HUNTSVILLE RD.
FAYETTEVILLE AR 72701
479-582-3590

PARCEL NO. 765-15215-000

B. REASON FOR REZONING REQUEST:

WE SUBMITTED A BUILDING PERMIT TO ADD A PORTABLE STORAGE BUILDING 12FT. X 32FT. WE MET THE NECESSARY SET BACK REQUIREMENTS, BUT CHANGES IN EXISTING CODE REQUIRES A CHANGE TO OUR ZONING.

CURRENT ZONING IS RSF-4. A CONDITIONAL USE PERMIT WAS GRANTED IN 1984. USE UNIT 2. THERE WERE NO LIMITATIONS ON EXPANSION PROVIDED SET BACK REQUIREMENTS AND BUILDING CODES WERE MET. IT IS MY UNDERSTANDING THAT CURRENT CHANGES HAVE CREATED A MAXIMUM EXPANSION TO 2000 SQ. FT.

WE WISH TO CHANGE THE ZONING TO NEIGHBORHOOD SERVICES. AFTER APPROVAL, THEN A CONDITIONAL USE PERMIT WOULD BE REQUESTED TO USE UNIT 15 NEIGHBORHOOD SHOPPING GOODS, WHICH WOULD ALLOW FOR THE EXPANSION REQUESTED. (MAXIMUM TO 25,000 SQ.FT.)

C. THE REQUEST SHOULD NOT HAVE ANY SIGNIFICANT EFFECT ON SURROUNDING PROPERTIES. WE WILL CONTINUE TO OPERATE AS WE HAVE SINCE 1984.(EXCEPT WITH ADEQUATE STORAGE).

D. WATER AND SEWER AVAILABLE

E. THRU H. PLANNING PERSONNEL RECOMMENDED THE ZONING CHANGE TO ACHIEVE OUR REQUEST.

I. EXISTING ZONING CLASSIFICATION

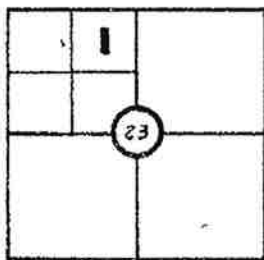
THIS PROPERTY HAS ALWAYS BEEN A COMMERCIAL TYPE PROPERTY. IT WAS BUILT FOR COM'L PURPOSES AND WAS OPERATING AS A COM'L PROPERTY WHEN IT WAS ANNEXED INTO THE CITY. IN ORDER TO OPERATE IT AS A BUSINESS IT HAS ALWAYS REQUIRED A CONDITIONAL USE PERMIT. BEFORE RECENT REGULATION CHANGES, THE EXPANSION REQUEST WOULD HAVE BEEN GRANTED (UNDER THE CURRENT CONDITIONAL USE PERMIT).

THE STORAGE BUILDING IS BEING REQUESTED FOR STORAGE, NOT ADDITIONAL DISPLAY AREA. DUE TO CHANGES IN THE ECONOMY WE HAVE MORE OPPORTUNITIES TO PURCHASE INVENTORY. FOR VARIOUS REASONS, PEOPLE LIKE TO PURCHASE USING LAYAWAY, THUS WE NEED SPACE TO STORE SUCH ITEMS.

PLAT—OF—SURVEY

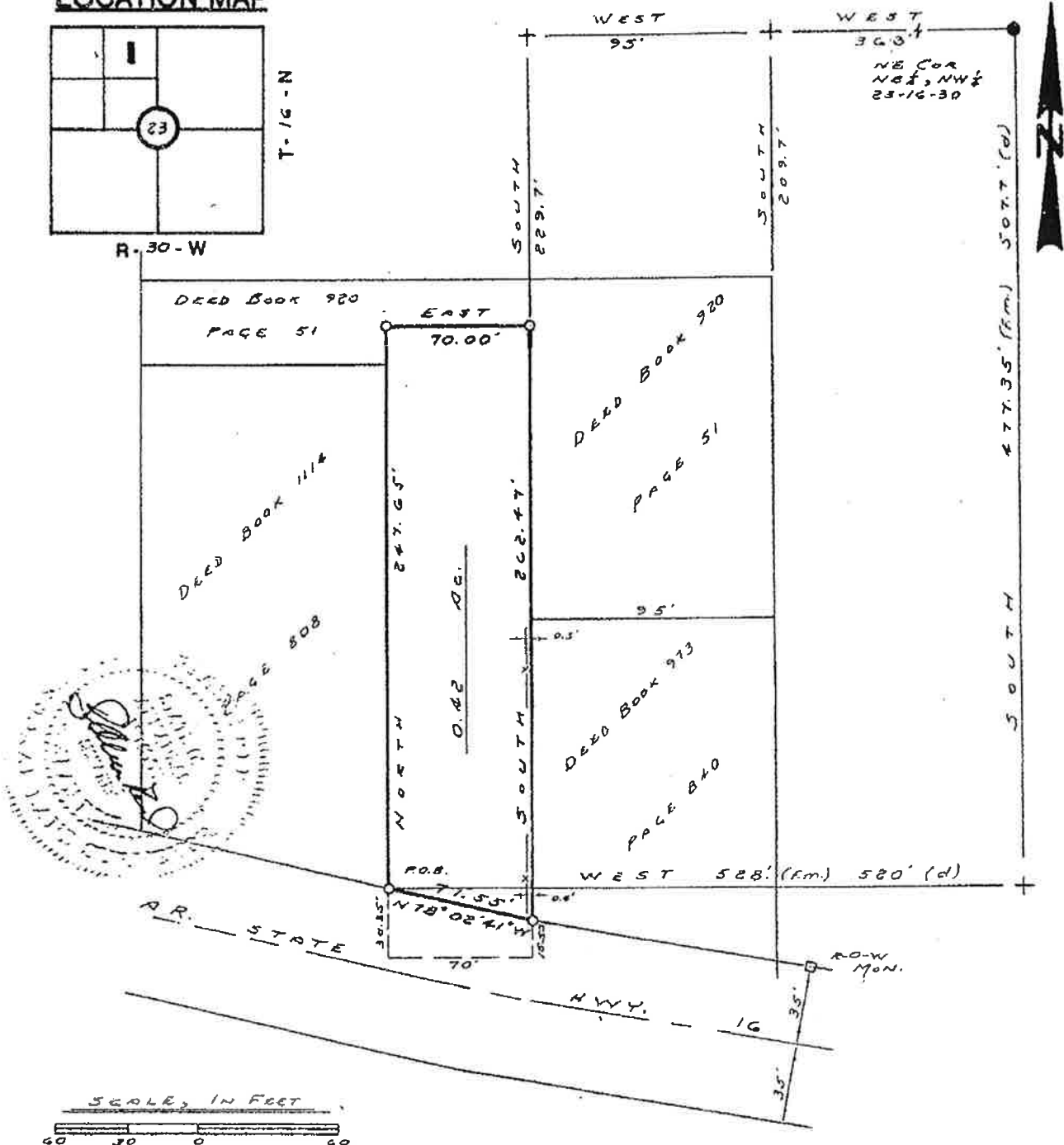
BILL STILES
1934 E HUNTSVILLE RD
FAYETTEVILLE AR 72701

LOCATION MAP



R-30-W

T-16-N



SURVEY DESCRIPTION

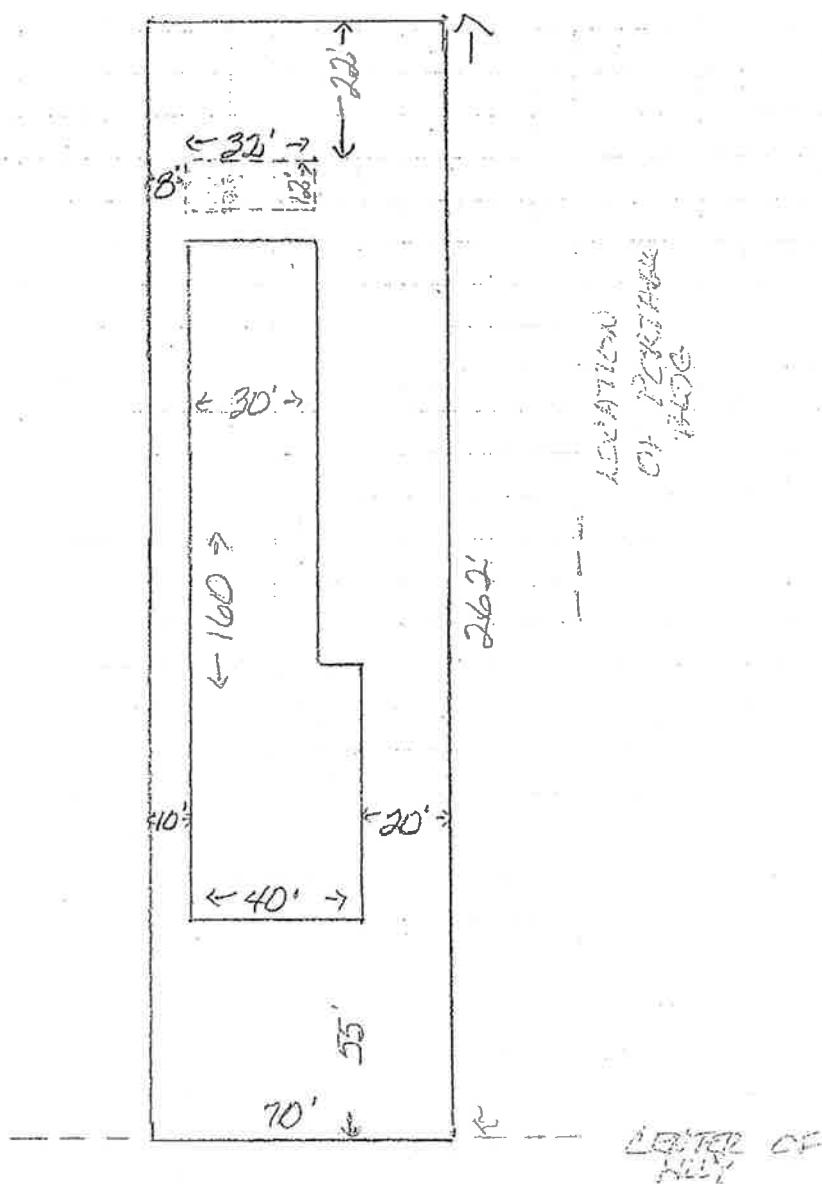
A part of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-three (23), Township Sixteen (16) North, Range Thirty (30) West, being more particularly described as follows: Beginning at a point on the North line of Arkansas State Highway No. 16, which is West 528.00 feet (Record 520.00 feet) and South 477.35 feet (Rec. 507.70 feet) of the Northeast Corner of said forty acre tract, and running thence North 247.65 feet (Rec. 278.00 feet); thence

CERTIFICATION

I hereby certify, this day, that I have performed a survey of the above described lands and found conditions to be as shown hereon.

G. Alan Reid

February 13, 2012
R.L.S. 1005
Planning Commission
RZN12-4024 Stiles
Agenda Item 6
Page 10 of 20



CERTIFICATE OF OCCUPANCY

CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS

C 158

ZONING COMPLIANCE YES DATE 9/19/72

THIS IS TO CERTIFY THAT THIS BUILDING HAS BEEN INSPECTED AND THE FOLLOWING OCCUPANCY THEREOF IS HEREBY AUTHORIZED.

LOT NO. 16E R-9 BLOCK NO. 1934 E. ADDITION

ADDRESS 111 N 35th St

OWNER'S NAME NAME

LEASEE'S NAME R. L. Howard

ZONING DISTRICT R-9

NEW STRUCTURE EXISTING STRUCTURE

SINGLE FAMILY TWO FAMILY OCCUPANCY AUTHORIZED: NO. APTS.

ROOMING HOUSE NO. OF ROOMERS COMMERCIAL

REMARKS: Catering service

Plat of the Normal with w.d. of 11.22.72 R. 20-11

CASHIER NO. F 16577

FEE 9/8/72

DATE 1.00

BUILDING OFFICIAL
CITY OF FAYETTEVILLE, ARKANSAS

BY Harold E. Lierberg DATE Sept. 15, 1972

CITY INSPECTION

DATE

STREET FILE

CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS

C 5345

DATE 3/17 1987

ZONING COMPLIANCE

EXISTING STRUCTURE

DATE 19

THIS IS TO CERTIFY THAT THIS BUILDING HAS BEEN INSPECTED AND THE FOLLOWING OCCUPANCY THEREOF
IS HEREBY AUTHORIZED

BUILDING PERMIT NO. B 18010

LOT NO

BLK K P1

SECTION 1 pt of NE 1/4, NW 1/4, Sec 23, T-16-N, R-30-W

ADDRESS 1934 E. Huntsville

OWNER'S NAME Bill & Sharon Stiles
Business Name Long Ago Antiques
LEASEE'S NAME

ADDRESS 304 W. Meadow

ADDRESS

ZONING DISTRICT R-1, Low Density Residential

NEW STRUCTURE

EXISTING STRUCTURE

X

OCCUPANCY AUTHORIZED:

SINGLE FAMILY

X

TWO FAMILY

MULTIPLE FAMILY

NO APTS

ROOMING HOUSE

NO. OF ROOMERS

COMMERCIAL

X

REMARKS: add warehouse, office and lounge to antique shop

P.C. 10-23-85 approved conditional use

NOTE: October 1, 1985, Ord. 3129, to allow conditional use of antique shop in
R-1.

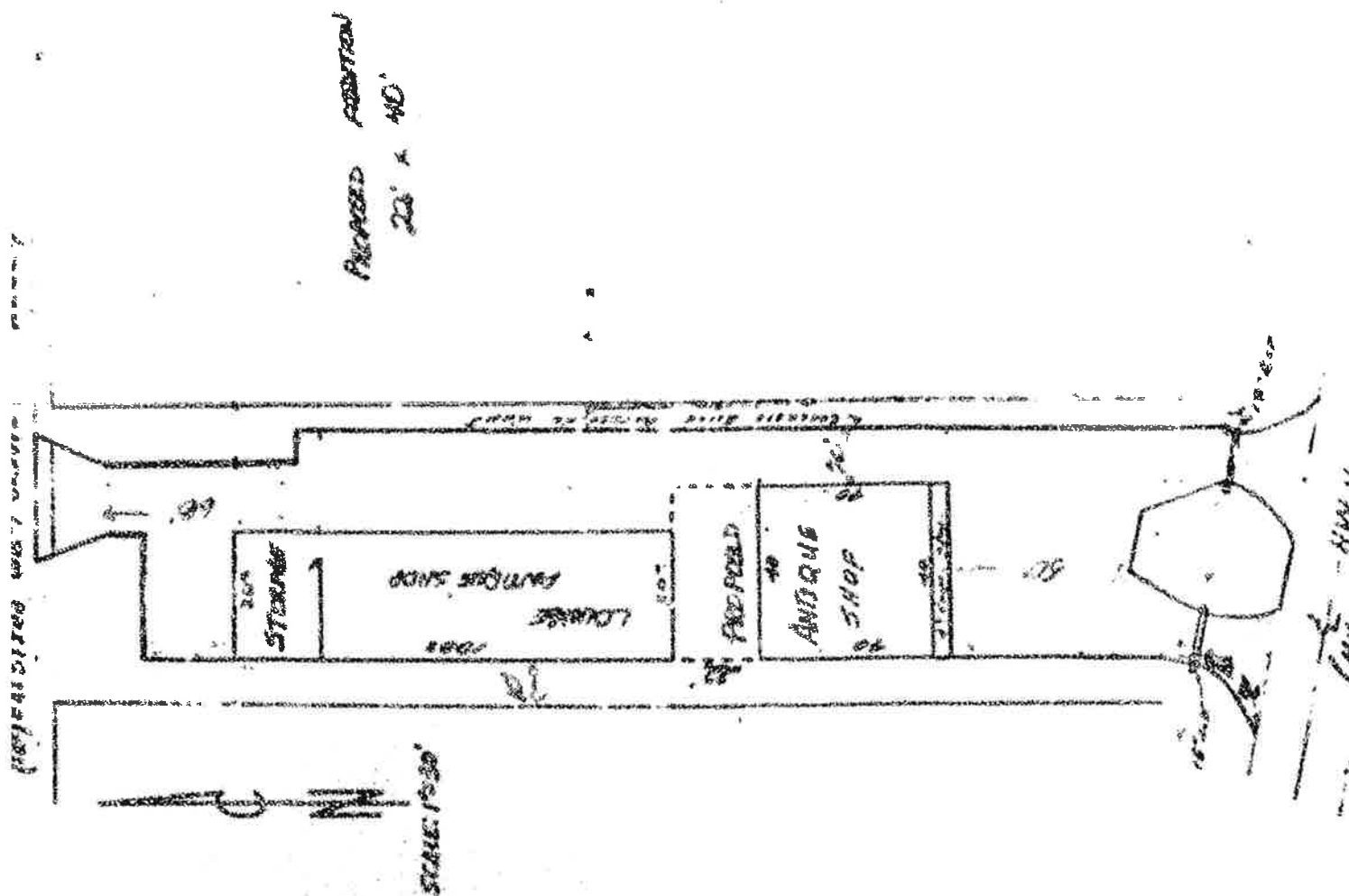
BUILDING OFFICIAL
CITY OF FAYETTEVILLE, ARKANSAS

CASHIER NO. K-05207

FEE 5.00

BY

DATE 12-3-85



DATE SUBMITTED: 10-10-11
SITE ADDRESS: 1934 E HUNTSVILLE RD
Lot: DIA Block: DIA Subdivision: DIA
Sec-Twn-Rng: 23-1-10 Plat: 555 Par #: 7105-15215-000 Inspections: 186 288 927 109

Owner: BILL STILES 117 W ROCK ST FVUE 72701 582-3540
Architect/Engineer: MARK C SPECTUM will send info about 400
Contributor: SAME connecting 2 Bldgs
Revised Contact: BILL STILES 443-5173
Phone: 443-2911
State Contractor's License #: 443-2911

Work: ☒ NEW ☐ ADDITION ☐ ALTERATION ☐ REPAIR ☐ MOVING ☐ DEMOLITION
☐ FOOTING ONLY ☐ EXTERIOR ONLY ☐ TENANT FINISH ☐ DESIGN/BUILD
Residential: ☐ Single Family ☐ Multifamily (number of units:) ☐ Townhouse

Valuation of Work		Building Information	
sq. ft.	\$	# of Stories:	sq. ft.
20,000		1	2480
500		Height:	sq. ft.
1000		9.3	2480
7000		Length:	sq. ft.
		22	880
		Width:	sq. ft.
		40	
		Slab Floor:	
		1	
		Basement:	
		3	

Arkansas Energy Code Requirements (Yes/No): YES
Is: ☒ to be constn ☐ in this subdivision? (Yes/No): NO
Are y: ☒ Flood Plain? ☐ Flood Elevation: ☐ Lowest Finished Floor: ☐
AR. Pbg. Approval No: ☐ Wash Co. Septis Approval No: ☐
Engineering Approval: ☐
Engineering Approval: ☐
Planning Approval: ☐

DESCRIPTION OF WORK: CONNECT FRONT & BACK BUILDINGS
your own flat roof to pitched roof. 400
Use of Building: ANTIQUE SALES Previous Use: SAME
Construction Type: WOOD FRAME M
Max. Occupancy Load: PG
Protection (hours): Y: N: R

NOTICE
SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, GAS, MECHANICAL, AND SIGNS.
THIS PERMIT BECOMES NULL AND VOID IF WORK/CONSTRUCTION AUTHORIZED IS NOT COMMENCED
WITHIN 6 MONTHS, OR IF WORK/CONSTRUCTION IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTH.
I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of law and
ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not
presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the
performance of construction.

Signature of Applicant: [Signature]
Signature of Engineer: [Signature]
Date: 10-18-11 (date)

RZN12-4024

STILES

Current Land Use

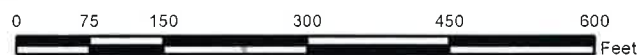


Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN12-4024

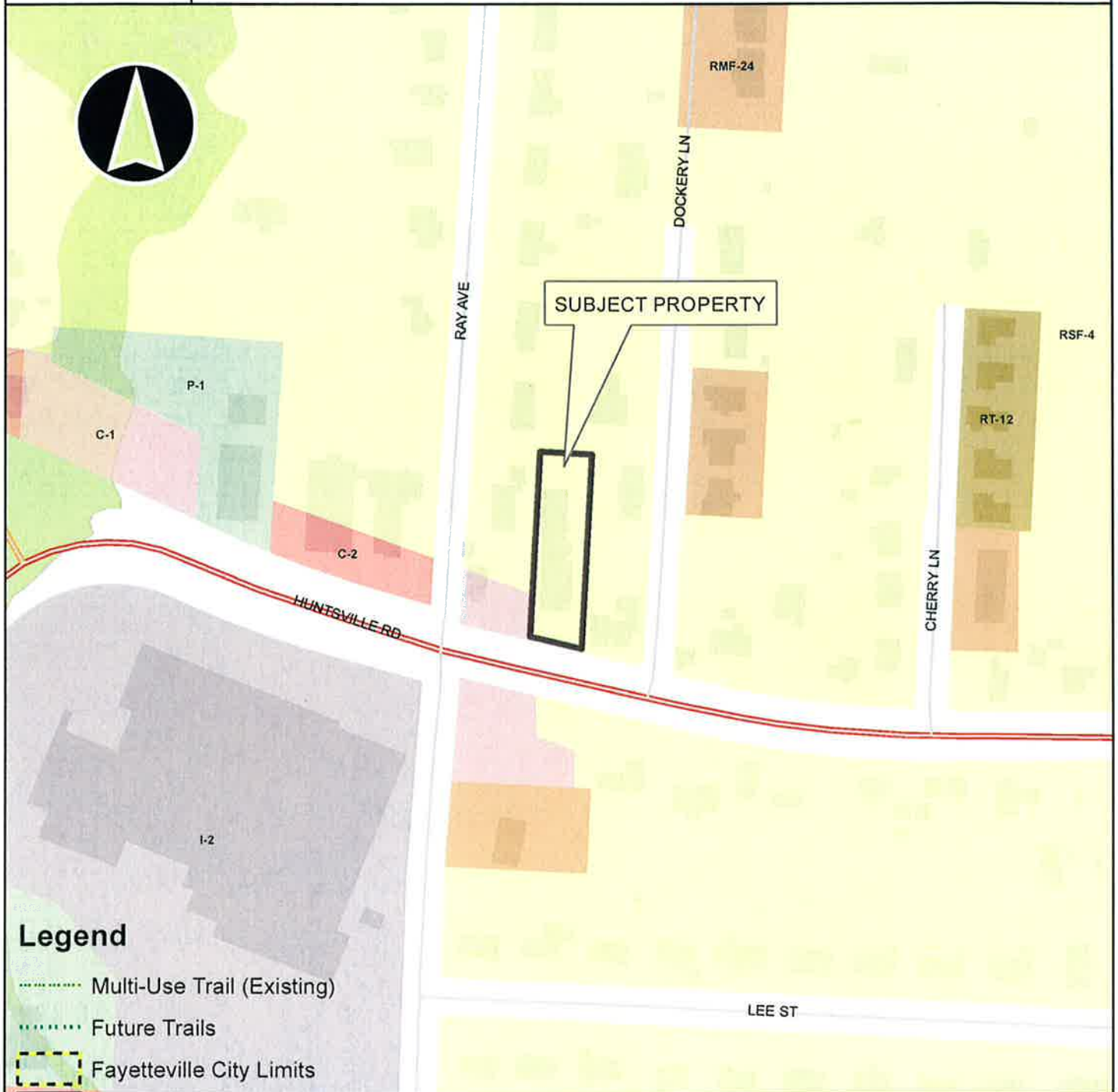
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN12-4024

STILES

Close Up View



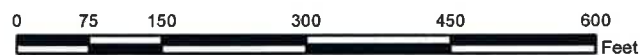
Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview

RZN12-4024

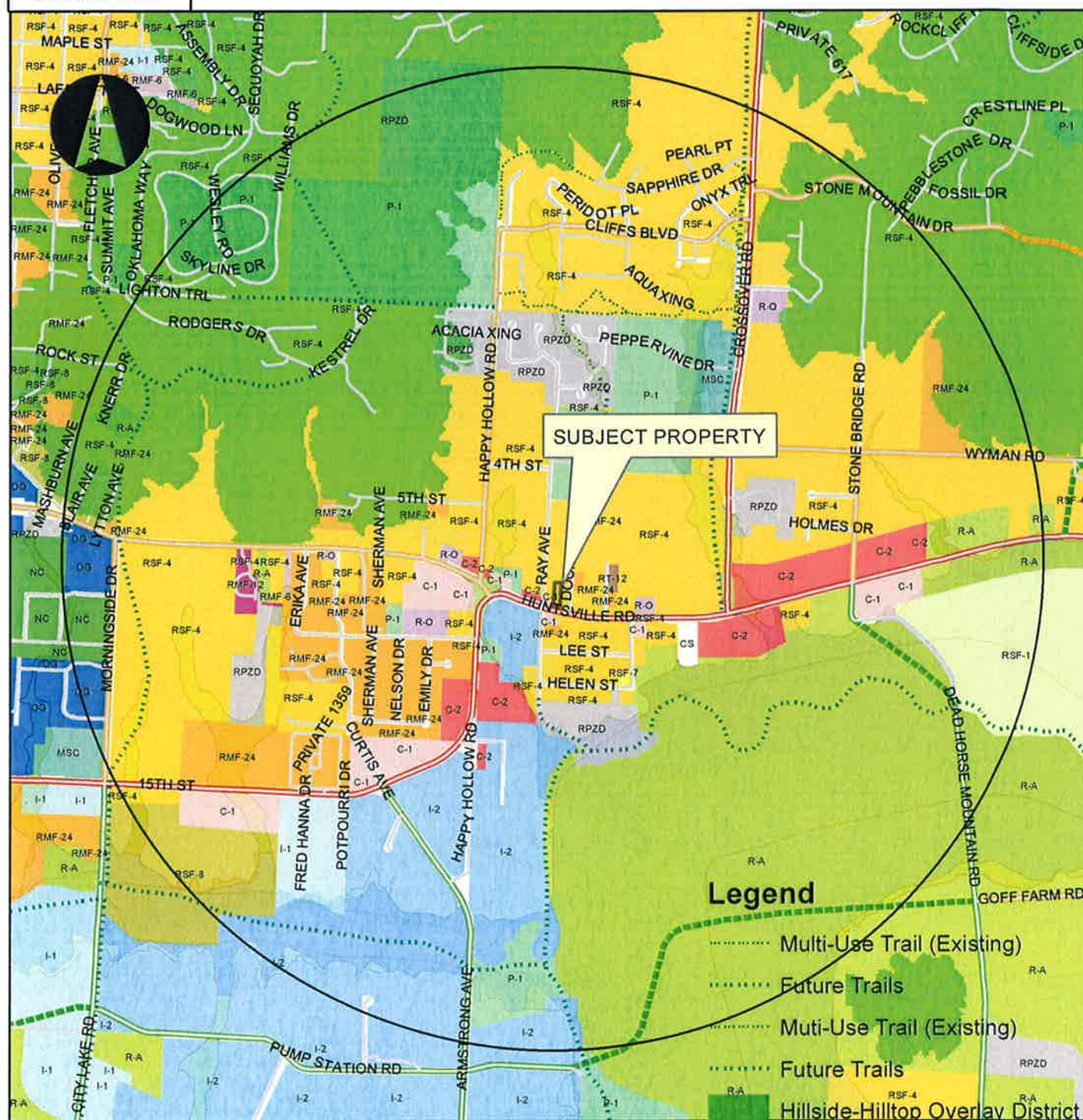
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



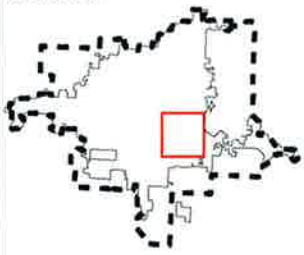
RZN12-4024

STILES

One Mile View



Overview



Legend

Subject Property

RZN12-4024

Boundary

0 0.25 0.5

RZN12-4024

☐ Design Overlay District

 Planning Area

☐ Fayetteville

Miles

RZN12-4024

STILES

Future Land Use



- 0
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- RZN12-4024
- Design Overlay District
- Design Overlay District
- Planning Area

0 75 150 300 450 600 Feet

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

3/6/2012

City Council Meeting Date
Agenda Items Only

gm
Julie McQuade, Community Outreach Coordinator

Submitted By

Division

Communication & Volunteer Services

Department

Action Required:

City Council approval of an ordinance to amend Chapter 114.03 First Thursday Fayetteville: subsection (B) to add additional locations for the event to include the block of all streets forming the downtown historic square (Center, Block, Mountain, and East).

_____	\$ _____	_____
Cost of this request	Category / Project Budget	Program Category / Project Name
_____	\$ _____	_____
Account Number	Funds Used to Date	Program / Project Category Name
_____	\$ _____	_____
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature]
Department Director

2-17-12
Date

Previous Ordinance or Resolution # 5392

Original Contract Date: _____

[Signature]
City Attorney

2-17-12
Date

Original Contract Number: _____

Paul A. Beck
Finance and Internal Services Director

2-21-2012
Date

Received in City
Clerk's Office

02-17-12 P01:56 RCVD

[Signature]
Chief of Staff

2-21-12
Date

Received in
Mayor's Office

ENTERED
2/21/12 BCP

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

Thru: Lindsley Smith, Communications & Volunteer Services 

From: Julie McQuade  Community Outreach Coordinator

Date: February 28, 2012

Subject: First Thursday Fayetteville

PROPOSAL: The City Administration is requesting an ordinance to amend Chapter 114.03 (B) of the Fayetteville Code to include the blocks which form the downtown square of Block, Center, East, and Mountain Streets and parking spaces on both sides of these blocks for the First Thursday Fayetteville monthly cultural arts event, except for a turning lane allowing traffic from Center Street to turn north onto East Street and a turning lane allowing traffic from Block Street to turn west onto Center Street.

RECOMMENDATION:

In 2010, Ordinance 5307 amended Chapter 114 of the Fayetteville Code to establish the First Thursday Fayetteville cultural arts event on the Fayetteville downtown square during the months of April through November annually. In 2011, Ordinance 5392 amended Chapter 114.03 (b) of the Fayetteville Code to expand the space allowed to meet the growth of the successful monthly arts event. This amendment added the block of Mountain Street between East and Block Streets to the area allowed for location of this event which was originally the block of East Street between Mountain and Center Streets.

Once again, the success of this event has contributed to a need for additional space to meet the continued growth. First Thursday Fayetteville continues to bring cultural arts to the public; increasing revenues for local artists, merchants and restaurants in the area; and providing opportunities for local non-profits to raise funds for their programs.

In order to accommodate the growth of this monthly cultural arts event, city staff recommend adding the block of Center Street between East and Block Streets and the block of Block Street between Mountain and Center Street to the allowed location for this event, provided that a turning lane is left open at the intersection of East and Center Streets and at the intersection of Block and Center Streets to allow traffic to turn north onto East Street and west onto Center Street.

BUDGET IMPACT:

There is no budget impact.

Julie McQuade - RE: City ordinance request

From: "Tanner Montgomery" <tmontgomery@experiencefayetteville.com>
To: "Julie McQuade" <jmcquade@ci.fayetteville.ar.us>
Date: 2/16/2012 4:07 PM
Subject: RE: City ordinance request
Attachments: FirstThursdayExpansionSupport.pdf

Julie,

Thank you very much for following up on this. I just got finished with it actually. To add, The Mustache's only concern was how we will block off the intersection of Block and Center. To answer that, we will only partially block it off, to where cars may still come up Block and turn onto Center to be able to park behind the Block Street Square Merchants. To address UPS deliveries if any may arise, our workers at the intersection will just let the trucks through and then close the street back off. Arvest's concern was to ask if we could let traffic still pass through Center Street up until 5:00, and we will only block off parking spots on Center Street because of that concern.

Most of everybody I spoke with around the square seems to be in full support of this expansion, and even very excited about it. Thank you once again for all your help and everything you do for us. Please let me know if you need any additional information. Have a great day!

Tanner Montgomery
Visitor Services Manager
Fayetteville Visitors Bureau
479-521-5776
www.experiencefayetteville.com
www.firstthursdayfayetteville.com

From: Julie McQuade [mailto:jmcquade@ci.fayetteville.ar.us]
Sent: Thursday, February 16, 2012 3:34 PM
To: Montgomery, Tanner
Subject: RE: City ordinance request

Tanner,

Do you have the information to send me? I've got to get the agenda package approved tomorrow and it has to go through a few offices to do that.

Thanks,
Julie

Julie McQuade
Community Outreach Coordinator
City of Fayetteville
113 West Mountain, Suite 320
Fayetteville, AR 72701
(479) 575-8302
www.accessfayetteville.org
TDD (Telecommunications Device for the Deaf) 479-521-1316

Get connected to your community on the [Community Link](#).



Community Events, Ideas, News, & Volunteers.

>>> On 2/14/2012 at 3:26 PM, "Tanner Montgomery" <tmontgomery@experiencefayetteville.com> wrote:

Alright sounds good. So then I will email all information to you. Marilyn had mentioned Friday that she had spoken with Kit a couple of weeks ago and he said everything was good for him. Please let me know if there is more I need to take care of. Thanks again.

Tanner Montgomery
Visitor Services Manager
Fayetteville Visitors Bureau
479-521-5776
www.experiencefayetteville.com
www.firstthursdayfayetteville.com

From: Julie McQuade [<mailto:jmcquade@ci.fayetteville.ar.us>]
Sent: Tuesday, February 14, 2012 1:55 PM
To: Montgomery, Tanner
Subject: Re: City ordinance request

Scanning it is fine. Have you talked to Kit Williams yet?
Julie

Julie McQuade
Community Outreach Coordinator
City of Fayetteville
113 West Mountain, Suite 320
Fayetteville, AR 72701
(479) 575-8302
www.accessfayetteville.org
TDD (Telecommunications Device for the Deaf) 479-521-1316

Get connected to your community on the [Community Link](#).



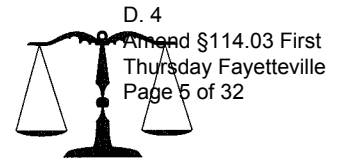
Community Events, Ideas, News, & Volunteers.

>>> On 2/14/2012 at 1:53 PM, "Tanner Montgomery" <tmontgomery@experiencefayetteville.com> wrote:
Julie,

I have notified all of the business and property owners around the square, and did not have many comments or concerns expressed to me. I do however have many signatures from them stating that they are in favor of the expansion of First Thursday Fayetteville to all four streets on the square. I have all of the information I have in a folder together. Would you like me to bring you the folder with all of it, or would you rather us scan it and send it all electronically?



Departmental Correspondence



LEGAL DEPARTMENT

www.accessfayetteville.org

**TO: Mayor Jordan
City Council**

**Kit Williams
City Attorney**

**Jason B. Kelley
Assistant City Attorney**

**CC: Don Marr, Chief of Staff
Lindsley Smith, Communications & Marketing Director
David Dayringer, Fire Chief**

FROM: Kit Williams, City Attorney

DATE: February 21, 2012

RE: First Thursday expansion to close all streets around the Square

I have drafted an ordinance to amend §114.03 **First Thursday Fayetteville** as requested by Julie McQuade and Lindsley Smith (and evidently by the Fayetteville Convention and Visitors Bureau). My wording would allow vehicular traffic to approach the Square from all directions, but require right turns only (away from the Square) at all four intersections (not just the two which were requested).

When reviewing the e-mail documentation for this request, I noted an e-mail from Tanner Montgomery which stated: "Marilyn had mentioned Friday that she had spoken with Kit a couple of weeks ago and he said everything was good for him." My memory of that very brief discussion was my concern that the businesses and offices around the Square might be adversely affected by this expanded closure of streets and parking. I do believe that the City Council has great discretion in determining how traffic can use city streets to include temporary closing of city streets for special events. Therefore, the proposed monthly closure of all streets around the Square is probably legal.

I do wonder why First Thursday's administrators need twice as much street closure than the Saturday morning Farmers' Market (four blocks as opposed to two blocks). This amendment also grants double the parking space closures on Center Street and Block Avenue to the Convention and Visitors Bureau than what is provided to the Farmers' Market. This is a policy determination for the City Council to decide.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §114.03 **FIRST THURSDAY FAYETTEVILLE** TO CLOSE ALL STREETS AROUND THE SQUARE FROM 4:00 P.M. TO 10:00 P.M. DURING FIRST THURSDAY AND TO GIVE CONTROL OF ALL PARKING AROUND THE SQUARE (BOTH INSIDE AND OUTSIDE) TO THE FAYETTEVILLE CONVENTION AND VISITORS BUREAU DURING FIRST THURSDAY

WHEREAS, the Fayetteville Convention and Visitors Bureau and City Administration recommend that all vehicles be prohibited from using all streets around the Square from 4:00 P.M. until 10:00 P.M. on the first Thursday of every month from April through November; and

WHEREAS, the Fayetteville Convention and Visitors Bureau and City Administration recommend that the Fayetteville Convention and Visitors Bureau be given exclusive control over all parking places around the Square to include both inside and outside parking spaces.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §114.03 **First Thursday Fayetteville** (B) *Location, parking restrictions and administration* by repealing this subsection and enacting a replacement subsection (B) as shown below:

“(B) Location, parking restrictions and administration. First Thursday Fayetteville shall be located and have control over the public parking spaces along both sides of East Avenue between Mountain Street and Center Street, along both sides of Center Street between East Avenue and Block Avenue, along both sides of Block Avenue between Center Street and Mountain Street, and along both sides of Mountain Street between East Avenue and Block Street during its hours of operation. The Fayetteville Convention and Visitors Bureau shall administer First Thursday Fayetteville and is authorized to remove or request the ticketing of vehicles parked within the allocated areas on East Avenue, Center Street, Block Avenue and Mountain Street between

4:00 P.M. and 10:00 P.M. on days of the event. The Bureau is further authorized to close East Avenue between Mountain Street and Center Street, Center Street between East Avenue and Block Avenue, Block Avenue between Center Street and Mountain Street and Mountain Street between East Avenue and Block Street to vehicular traffic during the First Thursday Fayetteville event.”

PASSED and **APPROVED** this 6th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Current Law

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

CHAPTER 114: FOOD SALES

114.01 Drive-In Restaurants

(A) A drive-in restaurant, within the meaning of this chapter, shall be deemed to be any restaurant where meals, sandwiches, ice cream, or other food, is served directly to or is permitted to be consumed by patrons in automobiles, motorcycles, or other vehicles parked on the premises.

(B) Prohibited Acts.

- (1) It shall be unlawful for any person, while on or adjacent to the premises of a drive-in restaurant, to race the motor of any car, to suddenly start or stop any car, or to make or cause to be made, any other loud or unseemly noise.
- (2) It shall also be unlawful for any other person parked on the premises of such restaurant, to blow or cause to be blown any automobile horn or motorcycle horn at any time while so parked.
- (3) It shall be unlawful for any patron or other person on the premises of a drive-in restaurant, whether in or out of an automobile, to drink any intoxicating beverage of any nature.
- (4) It shall be unlawful for a group of three or more persons to congregate and linger at any location on the premises of a drive-in restaurant. Persons so congregating and lingering shall be deemed guilty of loitering. No person shall drive a motor vehicle on to the premises of a drive-in restaurant and then from said premises without parking such motor vehicle, unless there is no unoccupied parking space available on said premises.
- (5) It shall be unlawful for any person to leave any unoccupied motor vehicle on any drive-in restaurant parking lot and to leave the premises thereof, except with the knowledge and consent of the operator of the restaurant.

(Code 1965, §§7A-1, 7A-3, 7A-4; Ord. No. 1706, 10-6-69; Code 1991, §114.01)

Cross reference(s)--Penalty, §114.99(A).

114.02 Farmer's Market

(A) *Establishment, location, and parking restrictions.* A farmers' market is hereby established in the city.

This marketplace shall be located on the interior parking spaces (those parking spaces adjoining the Old Post Office) of the Downtown Square. In addition, on Saturdays only, parking spaces on the east side of the East Street on the Downtown Square shall be available for vendors by closing the street to through traffic. Vendors shall be permitted to park their vehicles at right angles to street curbs provided that no vehicle shall be permitted to extend into the street in such a manner as to obstruct the free flow of traffic, and no vehicle shall be parked within 15 feet of any fire plug. All public sidewalks around the Square shall remain freely available to the public with the inside two-thirds width of the sidewalks free from any tables, booths or displays. Farmers' Market vendors may occupy no more than one-third of the width of the sidewalk directly in front of their assigned parking space. As long as pedestrian traffic is not obstructed or hindered, the corners of the Square's sidewalks and any unoccupied space around the outside third of the sidewalk can be used during the authorized hours and days of the Farmers' Market for government communication, free speech and acoustic music purposes. No sound amplification devices may be used.

- (B) *Days and hours.* The Farmers' Market may be open and operating Tuesdays and Thursdays from 6:00 a.m. until 1:00 p.m. and on Saturdays from 6:00 a.m. until 2:00 p.m. from April until Thanksgiving.
- (C) *Articles permitted to be sold.* The following articles may be sold at the marketplace established hereby: vegetables, honey, raw juices, molasses, fruit, and other produce grown by the vendor thereof, plants, art work, craft work, and other processed farm products produced by the vendor thereof. All products sold at the marketplace must be produced in compliance with all applicable regulations of the State Department of Health.
- (D) *Sanitation.* At the close of each market day, each vendor shall be required to leave the marketplace in a clean and sanitary condition, free from debris and insects.
- (E) *Fee.* The fee to be paid by each vendor for the use of the marketplace shall be \$5.00 per year plus ten percent of gross proceeds realized by the vendor from sales at the marketplace.
- (F) *Use of public streets for business prohibited; exception.* It shall be unlawful for any person to use any public street, public parking place, or public

CD114:3

Current

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

sidewalk, as a place of business except as authorized by this section; provided, any merchant whose building is adjacent to a public sidewalk may conduct business thereon if pedestrian traffic is not obstructed thereby; provided further, the City Council may approve temporary use of a public street, place, or sidewalk as a marketplace where such use is part of an event, activity, or celebration of general public interest. The City Council may impose reasonable conditions on such use as are necessary to safeguard the public health, safety, and welfare.

- (G) *City laws and regulations prevail over Rural Mountain Producers Exchange Board policies.* If the Mayor determines that a policy of the Rural Mountain Producers Exchange Board concerning its operation of the Farmers' Market on city property violates the law or city regulations, such policy shall be revoked and no longer operative. The Rural Mountain Producers Exchange Board may appeal such revocation of any of its policies to the City Council.

(Code 1965, §13-14; Ord. 2040, 8-20-74; Ord. No. 2846, 8-17-82; Ord. No. 2862, 10-5-82; Ord. No. 2925, 6-7-83; Code 1991, §114.03; Ord. No. 4045, §1, 7-15-97; Ord. No. 4248, 6-6-00; Ord. 5309, 4-6-10)

Cross reference(s)--Penalty, §10.99.

State law reference(s)--Maintenance and regulation of markets, A.C.A. §14-140-101.

114.03 First Thursday Fayetteville

- (A) Establishment, hours and dates. First Thursday Fayetteville is hereby established. This monthly event shall run on the first Thursday of every month from April through November during the hours of 4 P.M. through 10 P.M.
- (B) *Location, parking restrictions and administration.* First Thursday Fayetteville shall be located and have control over the public parking spaces along both sides of East Avenue between Mountain Street and Center Street and along both sides of Mountain Street between East Avenue and Block Street during its hours of operation. The Fayetteville Convention and Visitors Bureau shall administer First Thursday Fayetteville and is authorized to remove or request the ticketing of vehicles parked within the allocated areas on East Avenue or Mountain Street between 4:00 P.M. and 10:00 P.M. on days of the event. The Bureau is further authorized to close East Avenue between Mountain Street and Center Street and Mountain Street between East Avenue and Block Street to vehicular traffic during the First Thursday

Fayetteville event.

- (C) *Articles permitted to be sold.* Only objects of art or craft produced and sold by a local artist or craftsman may be sold at the First Thursday Fayetteville event. The Fayetteville Convention and Visitors Bureau is empowered to assign precise locations for any vendors wishing to display or sell their personally created art or craft work.
- (D) *Sanitation.* At the close of a vendor's operation (no later than 10:00 P.M.), the vendor shall clean the immediate area around the vendor's operation and ensure that all trash and debris are removed and properly discarded.

(Ord. 5307, 3-16-10; Ord. 5392, 3-15-10)

114.04-114.98 Reserved

114.99 Penalty

Any person found guilty of violating any of the provisions of §114.01 shall be deemed guilty of a misdemeanor and shall be fined not more than \$100.00.

(Code 1965, §§7A-2, 11-5; Ord. No. 786, 9-2-35; Ord. No. 1706, 10-6-69; Code 1991, §114.99; Ord. No. 4045, 7-15-97)

This is proposed to
be amended



Tanner Montgomery
Visitor Services Manager
Fayetteville Visitors Bureau
21 S. Block Ave
479-521-5776
800-766-4626

www.experiencefayetteville.com
www.firstthursdayfayetteville.com

Friend us on Facebook @ Fayetteville, AR
Follow us on Twitter @ Expfayetteville

Consider the environment before printing this email.



I Kirsten Bloners approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

KIRSTEN BLONERS



I Tanya Nelson approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

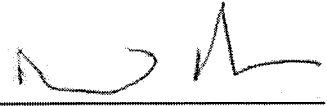
Tanya Nelson, SR BOA Edward Jones.



I Robert Baker of Edward Jones approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

Robert Baker
2/7/12



I  approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

David Adams, Ritz Jewelers



Dustin House-owner

I FRESCO CAFE & PUB approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).



I Kevin L. Higgins approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

KEVIN L. HIGGINS
NU Fancied Images



I Travis Lorton approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

Travis Lorton

Tim's Tim's Pizza on the Square.



I India Hammond approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).



I Nike Ross (Chairman) approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).



I Suzanne Billings approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

Suzanne Billings
Hip To Be Me



I Amir G. D. for Bloss Cupcake Cafe LLC approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).



Timothy Aieran approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).



I, James Mills approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

Dangale Pies.



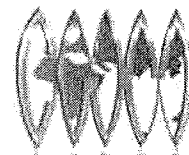
I CONRAD ODOM approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

CONRAD



CENTER FOR MISSION 26 W. CENTER
I MOBILIZATION approve of First Thursday Fayetteville expanding to all
four streets on the square (Mountain, Block, East, Center).

**U.S. CENTER
FOR WORLD MISSION**



John B. Sewall
Administrative Director
Mobilization Division A

P.O. Box 3586
Fayetteville, AR 72702
479 587 9598 xt 107
john.sewall@uscwm.org
Mobile 501 580 5100



I, Mo Elliott (Fayetteville) approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).



Lynn F. Wade approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).



I Brenda Turner approve of First Thursday Fayetteville expanding to all four streets on the square (Mountain, Block, East, Center).

1. Alf N. ML, Alfred N. Milam
2. Tracey Jeffers

Tanner Montgomery

From: Nick Jones <jicknones1@gmail.com>
Sent: Tuesday, February 07, 2012 3:35 PM
To: Tanner Montgomery
Subject: Lavish - First Thursday Experience

Tanner-

First Thursday is probably one of the most community oriented reoccurring events Fayetteville has to offer, in my eye's. I really enjoy the outdoor experience where you can not only view some amazing art, but you can connect with your neighbor's, and make a few new friends as well. The fact that the city offers this kind of event speaks volumes on the level of "cool-ness" Fayetteville actually has. My friends and I ride our longboard's up to First Thursday, get off, and have a good time each time! Thanks for all you've done with the event, I'm excited to see what we can build it up to as a community. Let me know if I can ever help out!

Best,

Nick Jones
Founder - Lavish Longboards

Tanner Montgomery

From: Chris Hargis <chriskhargis@gmail.com>
Sent: Tuesday, February 07, 2012 4:47 PM
To: tmontgomery@experiencefayetteville.com
Subject: First Thursday

Dear Tanner,

I have heard that you are trying to get the city council to extend the area covered by First Thursday to the entire square. I think this is a fantastic idea. I work in the area and live in the historic division and absolutely love First Thursday. It is a great way to stay in touch with the neighborhood and community. I love walking to the square and enjoying the local merchants and products they are selling. If this happens there is no doubt in my mind that when spring time comes around it would create a wonderful event. I think things like this are very important to our local community and businesses. If there is anything I can do to help or if you need any signatures please let me know. Good luck.

Sincerely,

Chris Hargis

Tanner Montgomery

From: Tymthy Aieran <faewicca@gmail.com>
Sent: Thursday, February 09, 2012 1:30 PM
To: Tanner Montgomery
Subject: Re: First Thursdays

Tanner Montgomery
Manager Visitor Services
21 S. Block Avenue
Fayetteville, AR 72701

Mr. Montgomery,

I am writing to tell you that I moved my salon to the square on August 2, 2011. I had been wanting to attend the First Thursdays on the Square for a while and was unable due to the location of my previous salon. Since moving to Square, I have not missed a single First Thursday. In fact, I close my salon an hour early just so I can attend First Thursday. So, yes, I am in favor of expanding First Thursday to the entire square. It will only add to the flavor of the Fayetteville Square and expand the things to see and do on the First Thursdays.

Thank you,

--
Tymthy Aieran
Owner / Stylist
Tymthy's Salon
26 W. Center St. Ste. 201
Fayetteville, AR 72701

City of Fayetteville Staff Review Form

D. 5
 Bid #12-15 B&A
 Property Maintenance
 Page 1 of 10

**City Council Agenda Items
 and
 Contracts, Leases or Agreements**

3/6/2012

City Council Meeting Date
 Agenda Items Only

Alison Jumper

Submitted By

Park Planning

Division

Parks and Recreation

Department

Action Required:

A resolution awarding Bid #12-15 and approval of a contract with B & A Property Maintenance in the amount of \$75,237 annually for a maximum of three years for a total of \$225,713 plus a 5% project contingency in the amount of \$11,286 for a total project cost of \$236,999 for the maintenance of trees.

\$ 236,999.00

Cost of this request

\$ 334,929.00

Category / Project Budget

Tree Escrow Funds

Program Category / Project Name

4470.9470.5315.00

Account Number

\$ 69,526.53

Funds Used to Date

Contract Services

Program / Project Category Name

08001.1-5

Project Number

\$ 265,402.47

Remaining Balance

Sales Tax/Tree Escrow

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Connie Echmeyer 2-15-12
 Department Director Date

Previous Ordinance or Resolution #

John Kelly 2-17-12
 City Attorney Date

Original Contract Date:

Original Contract Number:

Paul a. Becher 2-21-2012
 Finance and Internal Services Director Date

Received in City
 Clerk's Office

02-17-12 A10:37 RCVD

Don Mann 2-21-12
 Chief of Staff Date

Received in
 Mayor's Office

ENTERED
 2/17/12
 RLT

Donald Jordan 2/22/12
 Mayor Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director C.E.

From: Alison Jumper, Park Planning Superintendent aj

Date: February 15, 2012

Subject: Bid 12-15 Tree Maintenance Project
City Council Agenda Request for March 6 Meeting

PROPOSAL:

Chapter 167 of the Unified Development Code (UDC) requires developers to pay money in-lieu to the Tree Escrow Fund when it is not practical to plant mitigation trees at the time of final plat or building permit approval. Monies received into the Tree Escrow Fund must be spent within seven years of receipt. Chapter 167 (J)(4)(c)(i) of the UDC states, "Money contributed under this section: May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance utilizing either City Staff or contract labor."

Approximately 531 trees have been planted over the last two years from the Tree Escrow Fund and should be regularly maintained for three years in effort to ensure healthy establishment. Parks and Recreation does not have adequate resources to maintain this number of trees for three years. Consequently, Bid 12-15 was advertised on January 16 and 23 and opened on February 10 and included tree maintenance for three years. Three vendors bid the project including All Around Landscaping, Inc., Blades Landscaping and B & A Property Maintenance. Blades Landscaping was the apparent low bidder but was disqualified for submitting an unbalanced bid and failure to register as a plan holder on the project. B & A Property Maintenance was the next qualified low bid in the amount of \$75,237 annually.

If the contract is approved, trees will be maintained beginning in March, 2012 through March 2015.

RECOMMENDATION:

A resolution awarding Bid #12-15 and approval of a contract with B & A Property Maintenance in the amount of \$75,237 annually for a maximum of three years for a total of \$225,713 plus a 5% project contingency in the amount of \$11,286 for a total project cost of \$236,999 for the maintenance of trees.

BUDGET IMPACT:

The project is funded with Tree Escrow funds. Total project cost including a 5% project contingency is \$236,999.

Attachments:

Staff Review Form
Certified Bid Tab
Contract Agreement Signed by Contractor
Purchase Requisition

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #12-15 AND AUTHORIZING A CONTRACT WITH B&A PROPERTY MAINTENANCE IN A TOTAL AMOUNT OF \$225,713.00 FOR THE MAINTENANCE OF TREES, AND APPROVING A FIVE PERCENT (5%) PROJECT CONTINGENCY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #12-15 and authorizes a contract with B&A Property Maintenance in a total amount of \$225,713.00 for the maintenance of trees.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a five percent (5%) project contingency.

PASSED and APPROVED this 6th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



BID: 12-10
 DATE: 02/10/12
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Bid 12-15, Tree Maintenance Project

BIDDER	Line Item 1 - Bonds & Insurance	Line Item 2 - Water 531 trees at rate of 20gpt/watering (Qty of 25)	Line Item 3 - Tree Mulching ad weed control, 531 trees twice per tree per year (Qty of 1062)	Line Item 4 - Staking per detail (Quantity of 50)	TOTAL COST
1 All Around Landscaping, Inc.	\$ 1,470.09	\$ 80,500.00	\$ 15,006.06	\$ 2,500.00	\$ 99,476.15
2 Blades Landscaping, LLC	\$ 1,800.00	\$ 41,250.00	\$ 10,620.00	\$ 2,250.00	\$ 60,926.10 <i>*unbalanced bid</i>
3 B&A Property Maintenance	\$ 3,583.00	\$ 54,000.00	\$ 15,154.74	\$ 2,500.00	\$ 75,237.74

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED:


 P. VICE, PURCH MGR


 WITNESS

2/13/12
 DATE

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.: _____ Date: <u>2/14/2012</u> P.O Number: _____ Expected Delivery Date: _____						Vendor #: _____ Vendor Name: <u>B & A Property Maintenance</u>			
						Address: <u>325 W. County Line Road</u> Fob Point: _____ City: <u>Springdale</u> State: <u>AR</u> Zip Code: <u>72762</u> Ship to code: _____ Requester: <u>Alison Jumper, Park Planning Superintendent</u> Extension: <u>2369</u> 469			
Mail Yes: _____ No: _____						Taxable Yes: _____ No: _____			
Division Head Approval: <u>Alison Jumper</u> Extension: _____						Quotes Attached Yes: _____ No: _____			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2012 Tree Maint. Project-Escrow NW Per Bid 12-15	1	LS	37,831.41	\$37,831.41	4470.9470.5315.00	08001.2		
2	2012 Tree Maint. Project-Escrow NE Per Bid 12-15	1	LS	3,400.58	\$3,400.58	4470.9470.5315.00	08001.3		
3	2012 Tree Maint. Project-Escrow SW Per Bid 12-15	1	LS	14,169.07	\$14,169.07	4470.9470.5315.00	08001.4		
4	2012 Tree Maint. Project-Escrow SE Per Bid 12-15	1	LS	19,836.69	\$19,836.69	4470.9470.5315.00	08001.5		
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				
Special Instructions: Tax is included in the bid price.						Subtotal: <u>\$75,237.75</u> Tax: _____ Total: <u>\$75,237.75</u>			
Approvals: Mayor: _____ Department Director: _____ Purchasing Manager: _____ Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____ Dispatch Manager: _____ Utilities Manager: _____ Other: _____									

ORDINANCE NO. 5427

AN ORDINANCE TO AMEND CHAPTER 167: **TREE PRESERVATION AND PROTECTION** OF THE UNIFIED DEVELOPMENT CODE BY REPLACING ALL REFERENCES TO "LANDSCAPE ADMINISTRATOR" WITH "URBAN FORESTER", ALLOWING INCREASED FLEXIBILITY FOR OFF-SITE PRESERVATION AND FORESTATION AND FOR OTHER REASONS

WHEREAS, the City no longer has a "landscape administrator", but has incorporated all duties of that position into the City's "urban forester" so the Tree Preservation and Protection Chapter should be updated to refer to the "urban forester"; and

WHEREAS, the environmental and aesthetic value of trees can extend at least a quarter mile especially for trees in riparian areas; and

WHEREAS, the City Council should have the power to grant a landowner the right to use off-site preservation or forestation up to one-quarter mile from the city limits if the owner conveys a tree conservation easement to the City of Fayetteville.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends Chapter 167: **Tree Preservation and Protection** of the Unified Development Code by replacing all references to "landscape administrator" with "urban forester" throughout this Chapter.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §167.04 **Tree Preservation and Protection During Development** by repealing subsections (J)(2) and (3) in their entirety and enacting replacement subsections (J)(2) and (3) as shown below:

"(J)(2) Off-site preservation. The applicant may seek approval of the urban forester to preserve an equal or greater amount of canopy cover at a site within the city limits or, with the express approval of the City Council by its resolution, within one-quarter mile of the Fayetteville city limits.

City of Fayetteville
Bid 12-15, 2012 Tree Maintenance Project
Agreement – Between City and B & A Property Maintenance

This agreement is dated as of the _____ day of _____ in the year of 2012 by and between the City of Fayetteville, Arkansas (hereinafter called CITY OF FAYETTEVILLE) and B & A PROPERTY MAINTENANCE (herein after called CONTRACTOR). CITY OF FAYETTEVILLE and B & A PROPERTY MAINTENANCE, in consideration of the mutual covenants hereinafter set forth, agree as follows:

1. B & A PROPERTY MAINTENANCE at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 12-15 as stated in B & A Property Maintenance's bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 12-15, all included herein as if spelled out word for word.
2. The CITY OF FAYETTEVILLE shall pay B & A PROPERTY MAINTENANCE based on their bid proposal in an amount not to exceed \$75,237.74 each year for a maximum of three years. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the CITY OF FAYETTEVILLE and B & A PROPERTY MAINTENANCE consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 12-15 with the specifications and conditions typed thereon.
 - B. B & A PROPERTY MAINTENANCE's bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the CITY OF FAYETTEVILLE and B & A PROPERTY MAINTENANCE and may be modified only by a duly executed written instrument signed by the CITY OF FAYETTEVILLE and B & A PROPERTY MAINTENANCE.
5. B & A PROPERTY MAINTENANCE shall not assign its duties under the terms of this agreement.
6. B & A PROPERTY MAINTENANCE agrees to hold the CITY OF FAYETTEVILLE harmless and indemnify the CITY OF FAYETTEVILLE, against any and all claims for property damage, personal injury or death, arising from B & A PROPERTY MAINTENANCE's performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. Contract Time: The Work shall be performed as needed for a period of three years beginning March 15, 2012 through March 14, 2015.

8. The B & A PROPERTY MAINTENANCE shall be entitled to payment of ninety-five percent (95%) of the earned progress payments when due, with the CITY OF FAYETTEVILLE retaining five percent (5%) to assure faithful performance of the contract.
9. B & A PROPERTY MAINTENANCE shall furnish a certificate of insurance addressed to the CITY OF FAYETTEVILLE, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the B & A PROPERTY MAINTENANCE shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, B & A PROPERTY MAINTENANCE shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount

Comprehensive General & Automobile Insurance

Bodily Injury Liability

\$500,000 for each person injured.
 \$1,000,000 for each accident.

Property Damage Liability

\$1,000,000 aggregate.

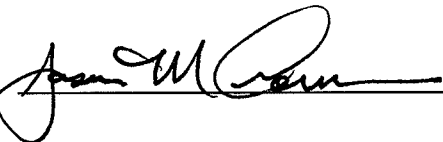
The premiums for all insurance and the bond required herein shall be paid by B & A PROPERTY MAINTENANCE.

10. B & A PROPERTY MAINTENANCE to furnish proof of licensure as required by all local and state agencies.
11. This contract may be terminated by the CITY OF FAYETTEVILLE or B & A PROPERTY MAINTENANCE within 10 days written notice.
12. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the B & A PROPERTY MAINTENANCE will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo coping costs pursuant to the FOIA may be assessed for this compliance.
13. Changes in Scope or Price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.
14. No liens against this construction project are allowed. Arkansas law (A.C.A. §§ 18-44-501 through 508) prohibits the filing of any mechanics' or materialmen's liens in relation to this public construction project. Arkansas law requires and the B & A PROPERTY MAINTENANCE promises to provide and file with the Circuit Clerk of Washington County a bond in a sum equal to the amount of this contract. Any subcontractor or materials supplier may bring an action for non-payment of labor or materials on the bond. The B & A PROPERTY MAINTENANCE promises to notify every subcontractor and materials supplier for this project of this paragraph and obtain their written acknowledgement of such notice prior to commencement of the work of the subcontractor or materials supplier.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2012.

B & A PROPERTY MAINTENANCE

CITY OF FAYETTEVILLE, ARKANSAS

By: 

LIONELD JORDAN, Mayor

JASON M NORMAN SECRETARY-NUMA
Printed Contractor Name & Title

ATTEST:

ATTEST:


Company Secretary

Sondra Smith, City Clerk

325 W. COUNTY LINE RD
Business Address

Date Signed: _____

SPRINGDALE AR 72764
City, State & Zip Code

Date Signed: 2/16/12

Agenda Session 2/28/12

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
March 6, 2012**

A meeting of the Fayetteville City Council will be held on March 6, 2012 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. 4th Quarter Financial Report 2011, Paul Becker, Finance Director

Agenda Additions:

A. Consent:

- ✓ 1. Approval of the February 21, 2012 City Council meeting minutes.
- ✓ 2. **Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area:** A resolution approving a budget adjustment in the amount of \$98,808.00 recognizing revenue from the Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area.

pulled from agenda
3. **Lifestyles, Inc. Rehabilitation:** A resolution approving a contract in the amount of \$22,530.00 with Joe Perme Construction Inc. for a Community Development Block Grant (CDBG) rehabilitation at Lifestyles, Inc. (2479 W. Sycamore).

4. **Water and Sewer Relocation AHTD-Utility Agreement:** A resolution approving a contract with the Arkansas State Highway and Transportation Commission regarding utility construction and relocation of water and sewer utilities related to the Highway 112 Spur (Garland Avenue) Widening and Improvement Project.

5. **Garver, LLC:** A resolution approving a contract with Garver, LLC in an amount not to exceed \$40,000.00 for professional engineering services related to the renovation of the Wilson Park swimming pool deck and interior.

6. **4248 S. School Ave. Hangar Improvements:** *A resolution and contract will be handed out at Agenda Session.*

B. Unfinished Business:

1. **Amend Chapter 151 Definition of "Family":** An ordinance to amend the definition of "Family" found in Chapter 151 Definitions of the Unified Development Code to allow the City Council to authorize up to five (5) unrelated persons in some units of a Planned Zoning District. *This ordinance was left on the First Reading at the February 7, 2012 City Council meeting. This ordinance was left on the Second Reading at the February 21, 2012 City Council meeting.*

Left on the Second Reading

C. Public Hearing:

1. **Garland Avenue Water and Sewer Relocation Project:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Glen David Wilson Trust & Linda Kay Hinkle, Caren E. & Richard L. Hanna, Bob L. & Wilma B. Bonds, Margot Khavinson, Remington C. Hendrix, Spirits Shop, Inc., and Donald W. & Brenda Sue Johnston needed for water and sewer relocations along N. Garland Avenue, and approving a budget adjustment.

D. New Business:

move to NB 7
1. **City of Elkins Cost-Share Agreement:** A resolution approving a cost-sharing agreement with the City of Elkins in an amount not to exceed \$150,000.00 for replacement and improvements of the Elkins Outfall Sewer Line.

move to NB 8
2. **Rosetta Construction, LLC:** A resolution to approve a construction contract with Rosetta Construction, LLC for \$692,223.00 with a contingency of \$50,000.00 to construct the Elkins Outfall Gravity Sewer Improvements and to approve the attached budget adjustment of \$416,818.00.

3. **RZN 12-4024 (1934 E. Huntsville Rd./Stiles):** An ordinance rezoning that property described in rezoning petition RZN 12-4024, for approximately 0.4 acres, located at 1934 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre to NS, Neighborhood Services.
4. **Amend §114.03 First Thursday Fayetteville:** An ordinance to amend §114.03 First Thursday Fayetteville to close all streets around the square from 4:00 p.m. to 10:00 p.m. during First Thursday and to give control of all parking around the square (both inside and outside) to the Fayetteville Convention and Visitors Bureau during First Thursday.
5. **Bid #12-15 B&A Property Maintenance:** A resolution awarding Bid #12-15 and authorizing a contract with B&A Property Maintenance in a total amount of \$225,713.00 for the maintenance of trees, and approving a five percent (5%) project contingency.

E. City Council Agenda Session Presentations:

1. 2012 Audit Plan – Vicki Deaton, Internal Auditor

City Council Tour:

Announcements:

Adjournment:

Add: Off Street Parking Development District No. 1 Appointment:
Consent # 8

Add: Employee Compensation Adjustment:
UB #4

9
%

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

- (a) **Agenda additions.** A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.
- (b) **Consent Agenda.** Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.
- (c) **Old business and new business.**
 - (i) **Presentations by staff and applicants.** Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aides in a City Council meeting as part of their presentation.
 - (ii) **Public comments.** Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.
- (d) **Courtesy and respect.** All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

A copy of the complete City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

Pre Agenda Meeting 2/22/12

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
March 6, 2012**

A meeting of the Fayetteville City Council will be held on March 6, 2012 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. 4th Quarter Financial Report 2011, Paul Becker, Finance Director

Agenda Additions:

A. Consent:

1. Approval of the February 21, 2012 City Council meeting minutes.
2. **Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area:** A resolution approving a budget adjustment in the amount of \$98,808.00 recognizing revenue from the Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area.
3. **Lifestyles, Inc. Rehabilitation:** A resolution approving a contract in the amount of \$22,530.00 with Joe Perme Construction Inc. for a Community Development Block Grant (CDBG) rehabilitation at Lifestyles, Inc. (2479 W. Sycamore).

- ✓ 4. **Water and Sewer Relocation AHTD-Utility Agreement:** A resolution approving a contract with the Arkansas State Highway and Transportation Commission regarding utility construction and relocation of water and sewer utilities related to the Highway 112 Spur (Garland Avenue) Widening and Improvement Project.

- move 1/2 NB
1/2, 2 } 5. **City of Elkins Cost-Share Agreement:** A resolution approving a cost-sharing agreement with the City of Elkins in an amount not to exceed \$150,000.00 for replacement and improvements of the Elkins Outfall Sewer Line.

6. **Rosetta Construction, LLC:** A resolution to approve a construction contract with Rosetta Construction, LLC for \$692,223.00 with a contingency of \$50,000.00 to construct the Elkins Outfall Gravity Sewer Improvements and to approve the attached budget adjustment of \$416,818.00.

- Delegated
off until
next mtg. } 7. **Police Department Policies:** A resolution approving Fayetteville Police Department Policies 1.2.1 Limits of Authority, 1.3.1 Use of Force, 12.1.1 Direction, 12.2.1 Policies, Procedures and Rules Development and Review Procedures, 26.1.2 Harassment and Discrimination in the Workplace, 41.1.1 Patrol, 42.1.1 Criminal Investigations, 41.2.11 Use of Department Vehicles, 44.1.1 Juvenile Operations, 61.1 Traffic Enforcement, 6.1.11 DWI, DUI and 61.3 Traffic Direction and Control.

- move to
last NB } 8. **Bid #12-15 B&A Property Maintenance:** A resolution awarding Bid #12-15 and authorizing a contract with B&A Property Maintenance in a total amount of \$225,713.00 for the maintenance of trees, and approving a five percent (5%) project contingency.

9. **Garver, LLC:** A resolution approving a contract with Garver, LLC in an amount not to exceed \$40,000.00 for professional engineering services related to the renovation of the Wilson Park swimming pool deck and interior.

10. **4248 S. School Ave. Hangar Improvements:** Res. 9 contract will be handed out at agenda session.

B. Unfinished Business:

- ✓ 1. **Amend Chapter 151 Definition of "Family":** An ordinance to amend the definition of "Family" found in Chapter 151 Definitions of the Unified Development Code to allow the City Council to authorize up to five (5) unrelated persons in some units of a Planned Zoning District. *This ordinance was left on the First Reading at the February 7, 2012 City Council meeting. This ordinance was left on the Second Reading at the February 21, 2012 City Council meeting.*

Left on the Second Reading

C. Public Hearing:

- ✓ 1. **Garland Avenue Water and Sewer Relocation Project:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Glen David Wilson Trust & Linda Kay Hinkle, Caren E. & Richard L. Hanna, Bob L. & Wilma B. Bonds, Margot Khavinson, Remington C. Hendrix, Spirits Shop, Inc., and

Donald W. & Brenda Sue Johnston needed for water and sewer relocations along N. Garland Avenue, and approving a budget adjustment.

D. New Business:

- ✓ 3 **RZN 12-4024 1934 E. Huntsville Rd./Stiles):** An ordinance rezoning that property described in rezoning petition RZN 12-4024, for approximately 0.4 acres, located at 1934 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre to NS, Neighborhood Services.
- ✓ 4 **Amend §114.03 First Thursday Fayetteville:** An ordinance to amend §114.03 First Thursday Fayetteville to close all streets around the square from 4:00 p.m. to 10:00 p.m. during First Thursday and to give control of all parking around the square (both inside and outside) to the Fayetteville Convention and Visitors Bureau during First Thursday.

E. City Council Agenda Session Presentations:

1. 2012 Audit Plan – Vicki Deaton, Internal Auditor

City Council Tour:

Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

- (a) **Agenda additions.** A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.
- (b) **Consent Agenda.** Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.
- (c) **Old business and new business.**
 - (i) **Presentations by staff and applicants.** Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aides in a City Council meeting as part of their presentation.
 - (ii) **Public comments.** Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.
- (d) **Courtesy and respect.** All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

A copy of the complete City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

Lisa Branson - Re: Agenda Session Presentation

From: Lisa Branson
To: Deaton, Vicki
Date: 2/3/2012 10:13 AM
Subject: Re: Agenda Session Presentation
CC: Marr, Don

Vicki,

I have added the 2012 Audit Plan Presentation to the March 6, 2012 Tentative Agenda to be presented at the February 28, 2012 Agenda Session meeting.

Have a nice day!
Lisa~

>>> Sondra Smith 2/3/2012 10:06 AM >>>

>>> Don Marr 2/2/2012 5:54 PM >>>

Sondra - Would you please place on the City Council Agenda Session for 2/28 a presentation by Vicki Deaton - 2012 Audit Plan.

Tks,
Don

Don Marr



**FIND IT
IN
FAYETTEVILLE**

Chief of Staff for Mayor Jordan
113 W Mountain Street
Fayetteville, AR 72701
Office: 479-575-8330
For TDD: (Telecommunications Device for the Deaf)
Dial 479-521-1316
Email: dmarr@ci.fayetteville.ar.us
Website: www.accessfayetteville.org

Lisa Branson - Need to pull item from City Council agenda

From: Kelly Colebar
To: Kimberly Johnson; Lisa Branson
Date: 2/24/2012 11:36 AM
Subject: Need to pull item from City Council agenda
CC: Brent Johnson; Kyle Belt

Kim

Per our conversation earlier I am sending a request to have an item removed from the Tentative Agenda for the March 6, 2012 City Council Meeting.

We need to have item #3 Lifestyles, Inc. Rehabilitation on the Consent section of the agenda pulled. Yolanda received a call from Peggy in Purchasing and this contract needs to be rebid. If you and/or Lisa need any additional information to be able to remove this item from the agenda please let me know.

Thanks for you assistance,
Kelly

Kelly Colebar
Project Coordinator
Community Services Division
City of Fayetteville
(479) 575-8235
kcolebar@ci.fayetteville.ar.us

City of Fayetteville
TDD (Telecommunications Device for the Deaf) 479-521-1316



TO: Mayor Lioneld Jordan and Members of the City Council
Don Marr, Chief of Staff

FROM: Paul A. Becker, Finance Director *Paul A. Becker*

DATE: February 28, 2012

SUBJECT: **December Sales Taxes Received In January 2012 by the State**

The following key points need to be communicated regarding sales tax collections:

FAYETTEVILLE SALES TAX ACTIVITY

1. Sales tax collections remitted for sales tax subject to the 1 cent City tax in January, 2012 were up \$34,330 / 2.11% as compared to the same month prior year. These collections represent December, 2011 sales.
2. Sales tax collections remitted to the City for the City's share of County tax collections in January, 2012 were up \$25,063 / 2.49% as compared to the same month prior year. These collections represent December, 2011 sales.
3. When compared to budget for the month, sales tax collections were up a total of \$59,341 / 2.25%. The 2012 year to date budget impact for the one month is up a total of \$59,341 / 2.25%.

1% City / 1% County (Combined)	Budget	Actual	\$ Difference	% Difference
December, 2011	\$ 2,633,800	\$ 2,693,141	\$ 59,341	2.25%
January, 2012				
February, 2012				
March, 2012				
April, 2012				
May, 2012				
June, 2012				
July, 2012				
August, 2012				
September, 2012				
October, 2012				
November, 2012				
YTD Budget to Actual	\$ 2,633,800	\$ 2,693,141	\$ 59,341	2.25%

Funding Source	Budget	Actual	\$ Difference	% Difference
General Fund: 1% City (60% Split)	\$ 976,200	\$ 996,749	\$ 20,549	2.11%
1% County	1,006,800	1,031,892	25,092	2.49%
	\$ 1,983,000	\$ 2,028,642	\$ 45,642	2.30%
ST Capital: 1% City (40% Split)	\$ 650,800	\$ 664,500	\$ 13,700	2.11%
Total General/ST Capital Funds:	\$ 2,633,800	\$ 2,693,141	\$ 59,341	2.25%

NWA REGION SALES TAX ACTIVITY - DECEMBER 2011 COLLECTIONS

4. December, 2011 1% City Sales Tax collections as compared to the surrounding areas were as follows:

City Sales Tax Collections:		December 2010	December 2011	\$ Difference	% Difference
1% City:	Fayetteville	\$ 1,626,919	\$ 1,661,249	\$ 34,330	2.11%
	Springdale	\$ 833,631	\$ 907,684	\$ 74,053	8.88%
	Bentonville	\$ 724,081	\$ 1,009,904	\$ 285,823	39.47%
	Rogers	\$ 1,236,157	\$ 1,305,100	\$ 68,944	5.58%

5. December, 2011 1% County Sales Tax collections as compared to the surrounding areas were as follows:

County Sales Tax Collections:		December 2010	December 2011	\$ Difference	% Difference
Washington	Fayetteville	\$ 1,006,829	\$ 1,031,892	\$ 25,063	2.49%
Washington	Springdale	\$ 872,225	\$ 893,937	\$ 21,712	2.49%
Benton	Bentonville	\$ 464,268	\$ 516,974	\$ 52,707	11.35%
Benton	Rogers	\$ 736,021	\$ 819,579	\$ 83,558	11.35%

6. December, 2011 countywide collections for the combined Washington and Benton Counties were as follows:

County Sales Tax Collections:		December 2010	December 2011	\$ Difference	% Difference
Washington County		\$ 2,778,633	\$ 2,847,801	\$ 69,168	2.49%
Benton County		2,910,981	3,241,455	330,474	11.35%
		<u>\$ 5,689,614</u>	<u>\$ 6,089,256</u>	<u>\$ 399,642</u>	<u>7.02%</u>

NWA REGION SALES TAX ACTIVITY - YEAR-TO-DATE (ONE MONTH) COLLECTIONS

7. Year-to-Date (one month) collections as compared to the surrounding areas were as follows:

City Sales Tax Collections:		(One Month) YTD 2010	(One Month) YTD 2011	\$ Increase (Decrease)	% Increase (Decrease)
1% City:	Fayetteville	\$ 1,626,919	\$ 1,661,249	\$ 34,330	2.11%
	Springdale	\$ 833,631	\$ 907,684	\$ 74,053	8.88%
	Bentonville	\$ 724,081	\$ 1,009,904	\$ 285,823	39.47%
	Rogers	\$ 1,236,157	\$ 1,305,100	\$ 68,944	5.58%

8. Year-to-Date (one month) for the combined Washington and Benton Counties, sales were up \$399,642 / 7.02%.

Sales Tax Collections:		(One Month) YTD 2010	(One Month) YTD 2011	\$ Increase (Decrease)	% Increase (Decrease)
Washington County		\$ 2,778,633	\$ 2,847,801	\$ 69,168	2.49%
Benton County		2,910,981	3,241,455	330,474	11.35%
		<u>\$ 5,689,614</u>	<u>\$ 6,089,256</u>	<u>\$ 399,642</u>	<u>7.02%</u>

Handed out at the 3/6/12
City Council mty.

City of Fayetteville, Arkansas
Financial Statements
December 31, 2011

The following are preliminary, unaudited financial statements and are subject to adjustment. They are for internal use only and not for distribution.

The Comprehensive Annual Financial Report for the year ended December 31, 2011 will present final, audited financial statements for the City of Fayetteville

CITY OF FAYETTEVILLE, ARKANSAS
FINANCIAL STATEMENTS
TABLE OF CONTENTS

	<u>PAGE</u>
<u>BALANCE SHEETS AND STATEMENTS OF REVENUE & EXPENSE BY FUND</u>	
<u>GENERAL FUND:</u>	
BALANCE SHEET	1
STATEMENT OF REVENUES & EXPENDITURES	2
<u>SPECIAL REVENUE FUNDS</u>	
<u>STREET FUND:</u>	
BALANCE SHEET	4
STATEMENT OF REVENUES & EXPENDITURES	5
<u>OFF STREET PARKING FUND:</u>	
BALANCE SHEET	6
STATEMENT OF REVENUES & EXPENDITURES	7
<u>COMMUNITY DEVELOPMENT FUND:</u>	
BALANCE SHEET	8
STATEMENT OF REVENUES & EXPENDITURES	9
<u>SPECIAL STATE GRANTS FUND</u>	
BALANCE SHEET	10
STATEMENT OF REVENUES & EXPENDITURES	11
<u>ENERGY BLOCK GRANT FUND</u>	
BALANCE SHEET	12
STATEMENT OF REVENUES & EXPENDITURES	13
<u>PARKS DEVELOPMENT FUND:</u>	
BALANCE SHEET	14
STATEMENT OF REVENUES & EXPENDITURES	15
<u>IMPACT FEE FUND:</u>	
BALANCE SHEET	16
STATEMENT OF REVENUES & EXPENDITURES	17
<u>POLICE AND FIRE PENSION REVENUE FUND</u>	
BALANCE SHEET	18
STATEMENT OF REVENUES & EXPENDITURES	19
<u>DRUG ENFORCEMENT FUND:</u>	
BALANCE SHEET	20
STATEMENT OF REVENUES & EXPENDITURES	21
<u>DEBT SERVICE FUNDS</u>	
<u>FIRE BOND FUND</u>	
BALANCE SHEET	22
STATEMENT OF REVENUES & EXPENDITURES	23
<u>TIF BOND FUND</u>	
BALANCE SHEET	24
STATEMENT OF REVENUES & EXPENDITURES	25
<u>WASTEWATER IMPROVEMENT SALES TAX BOND FUND:</u>	
BALANCE SHEET	26
STATEMENT OF REVENUES & EXPENDITURES	27
<u>CAPITAL PROJECTS FUNDS</u>	
<u>REPLACEMENT FUND:</u>	
BALANCE SHEET	28
STATEMENT OF REVENUES & EXPENDITURES	29

CAPITAL IMPROVEMENTS CONSTRUCTION FUND:	
BALANCE SHEET	30
STATEMENT OF REVENUES & EXPENDITURES	31
WASTEWATER IMPROVEMENT CONSTRUCTION FUND:	
BALANCE SHEET	32
STATEMENT OF REVENUES & EXPENDITURES	33
2006A SALES TAX CONSTRUCTION FUND	
BALANCE SHEET	34
STATEMENT OF REVENUES & EXPENDITURES	35
<u>ENTERPRISE FUNDS</u>	
WATER AND SEWER FUND:	
BALANCE SHEET	36
STATEMENT OF REVENUES & EXPENDITURES	37
SOLID WASTE FUND:	
BALANCE SHEET	38
STATEMENT OF REVENUES & EXPENDITURES (Cash Basis)	39
AIRPORT FUND:	
BALANCE SHEET	40
STATEMENT OF REVENUES & EXPENDITURES (Cash Basis)	41
TOWN CENTER FUND:	
BALANCE SHEET	42
STATEMENT OF REVENUES & EXPENDITURES (Cash Basis)	43
<u>FIDUCIARY FUNDS:</u>	
POLICE PENSION FUND:	
BALANCE SHEET	44
STATEMENT OF REVENUES & EXPENDITURES (Cash Basis)	45
FIRE PENSION FUND:	
BALANCE SHEET	46
STATEMENT OF REVENUES & EXPENDITURES	47
<u>INTERNAL SERVICE FUNDS</u>	
SHOP FUND:	
BALANCE SHEET	48
STATEMENT OF REVENUES & EXPENDITURES (Cash Basis)	49
<u>ACCOUNT GROUPS</u>	
GENERAL LONG-TERM DEBT BALANCE SHEET	50
GENERAL FIXED ASSETS BALANCE SHEET	51

City of Fayetteville, Arkansas
General Fund
Balance Sheet

December 31, 2011

* * * * *	A S S E T S	* * * * *
Assets		
Cash		1,749,599.51
Investments		11,399,344.87
Receivables		884,533.28
Accrued interest		10,068.11
Due from others		6,667,347.74
Inventory		.00
Prepays		116,522.44
Other assets		.00

Total Assets		20,827,415.95
		=====
 * * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *		
Liabilities		
Accounts payable		1,403,099.80-
Accrued expenses		888,535.76-
Due to others		1,105,041.46-
Escrow		3,252,201.23-

Total Liability		6,648,878.25-
Equity		
Unspendable fund balance		373,938.56-
Restricted fund balance		424,371.65-
Committed fund balance		1,225,686.05-
Assigned fund blalnce		22,058.20-
Unassigned fund balance		12,132,483.24-
Designated Unres Fund Bal		.00
Reserved fund balance		.00
Current year revenue and expense		.00

Total Equity		14,178,537.70-

Total Liabilities and Fund Equity		20,827,415.95-
		=====

City of Fayetteville, Arkansas
General Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes *	2,215,818.27	26,141,100	27,779,521.16	1,638,421.16-	106%
Licenses & Permits	40,800.34	652,100	850,507.24	198,407.24-	130%
Intergovernmental	342,331.42	2,741,966	2,676,793.98	65,172.02	98%
Charges For Services	159,909.30	1,357,350	1,470,225.13	112,875.13-	108%
Fines & Forfeitures	164,110.96	2,037,427	2,045,491.22	8,064.22-	100%
Interest	2,944.63	120,000	59,759.04	60,240.96	50%
Gain/Loss on Investments	12,687.91-	0	12,687.91-	12,687.91	%
Contributions	42,133.40	227,709	143,486.44	84,222.56	63%
Gain/Loss on sale of assets	.00	0	26,297.82	26,297.82-	%
Miscellaneous	54,042.70	217,470	208,455.87	9,014.13	96%
Operating Transfers	83,333.00	1,000,000	1,000,064.77	64.77-	100%
Non-Operating Misc	5.00	0	25.00	25.00-	%
Total Revenues:	3,092,741.11	34,495,122	36,247,939.76	1,752,817.76-	105%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Mayor's Administration	25,855.74	249,681	240,560.10	.00	9,120.90	96%
City Council	6,220.20	78,384	77,535.28	.00	848.72	99%
City Attorney	30,202.90	288,382	281,111.53	.00	7,270.47	97%
City Prosecutor	64,090.48	561,926	548,351.01	.00	13,574.99	98%
District Judge	16,143.92	183,389	178,430.73	.00	4,958.27	97%
Public Information	30,884.49	214,576	213,889.30	.00	686.70	100%
Cable Administration	22,634.05	193,333	185,347.52	.00	7,985.48	96%
Chief of Staff	10,593.41	74,270	70,672.43	.00	3,597.57	95%
Sustainability Program	1,566.03	57,155	47,368.18	.00	9,786.82	83%
Finance/Internal Serv Dir	17,000.99	142,869	142,672.91	.00	196.09	100%
Human Resources	69,169.39	403,770	401,211.07	.00	2,558.93	99%
Employee Development	48,215.34	777,765	590,976.65	.00	186,788.35	76%
Accounting and Audit	78,569.11	714,864	697,714.25	.00	17,149.75	98%
Budget and Research	35,230.20	260,344	258,993.70	.00	1,350.30	99%
Internal Audit	10,132.75	89,647	89,531.71	.00	115.29	100%
Utilities Management	60,740.66	421,731	393,450.86	.00	28,280.14	93%
General Maintenance	43,607.02	387,280	368,045.83	.00	19,234.17	95%
Janitorial	23,222.71	210,084	195,696.20	.00	14,387.80	93%
City Clerk/Treasurer	40,745.87	343,495	314,763.39	.00	28,731.61	92%
Purchasing	25,555.33	239,980	239,478.87	.00	501.13	100%
Information Technology	123,119.60	1,244,378	1,199,493.72	.00	44,884.28	96%
Criminal Cases	37,172.57	320,054	313,927.79	.00	6,126.21	98%
Probation/Fine Collection	419.41	40,871	21,971.31	.00	18,899.69	54%
Small Claims/Civil Cases	19,782.57	157,523	153,771.87	.00	3,751.13	98%
Central Dispatch	142,933.84	1,297,609	1,284,718.43	.00	12,890.57	99%
Animal-Patrol/Emergency	36,421.57	326,900	324,553.90	.00	2,346.10	99%
Animal Shelter	39,524.69	335,159	333,088.72	.00	2,070.28	99%
Veterinarian and Clinic	15,803.28	195,876	195,335.45	.00	540.55	100%
Animal Services Projects	16,693.98	100,472	71,006.94	.00	29,465.06	71%
Police Support Services	380,746.24	3,046,012	2,991,660.60	.00	54,351.40	98%
Police Projects	68,332.51	1,304,027	488,525.11	.00	815,501.89	37%
Police Patrol/Warrant Ser	773,908.39	7,693,160	7,621,675.86	.00	71,484.14	99%
Fire Prevention	86,598.55	439,997	433,491.40	.00	6,505.60	99%
Fire Operations	932,034.61	8,436,936	8,195,465.13	.00	241,470.87	97%
Fire Training	20,602.22	191,704	190,970.48	.00	733.52	100%
Swimming Pool	5,799.54	135,187	133,379.60	.00	1,807.40	99%
Athletics & Rec Transfers	50,422.00	658,824	637,765.12	.00	21,058.88	97%
Library	132,841.50	1,610,759	1,607,834.50	.00	2,924.50	100%
Lake Maintenance	7,061.81	78,579	75,977.74	.00	2,601.26	97%
Park Maintenance	61,697.47	685,154	662,378.25	.00	22,775.75	97%
Yvonne Richardson Center	19,505.69	162,036	132,304.19	.00	29,731.81	82%
Planning Development Man	18,300.61	150,173	139,403.29	.00	10,769.71	93%
Engineering Design Servic	23,757.20	169,038	163,493.98	.00	5,544.02	97%
Engr Oper & Admin	65,262.99	499,903	492,042.44	.00	7,860.56	98%

City of Fayetteville, Arkansas
General Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Engr Right of Way	8,845.15	108,086	101,114.84	.00	6,971.16	94%
Engr Public Construction	34,936.95	315,256	304,047.53	.00	11,208.47	96%
Current Planning	38,382.26	368,825	343,018.81	.00	25,806.19	93%
Long Range Planning	22,377.85	205,937	201,449.26	.00	4,487.74	98%
Building Safety	52,013.49	492,215	480,516.44	.00	11,698.56	98%
Community Code Enforcemen	34,733.80	329,422	305,880.66	.00	23,541.34	93%
Miscellaneous	20,574.28-	604,181-	980,898.92-	.00	376,717.92	162%
	-----	-----	-----	-----	-----	
Total Expenditures:	3,909,838.65	36,388,816	34,155,165.96	.00	2,233,650.04	94%
	-----	-----	-----	-----	-----	
Fund Net Gain/Loss	817,097.54-		2,092,773.80			
	=====		=====			

* This Revenue Class Includes Franchise Fees

City of Fayetteville, Arkansas
Street Fund
Balance Sheet

December 31, 2011

* * * * *	A S S E T S	* * * * *
Assets		
Cash		.00
Investments		2,542,233.83
Receivables		8,962.91
Accrued interest		4,696.85
Due from others		398,901.11
Inventory		.00
Prepays		1,622.75

Total Assets		2,956,417.45
		=====
 * * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *		
Liabilities		
Accounts payable		75,208.52-
Accrued expenses		104,493.24-
Due to others		436,771.51-
Escrow		239.25-

Total Liability		616,712.52-
Equity		
Unspendable fund balance		.00
Restricted fund balance		2,339,870.87-
Committed fund balance		.00
Assigned fund balance		165.94
Unassigned fund balance		.00
Reserved fund balance		.00
Current year revenue and expense		.00

Total Equity		2,339,704.93-

Total Liabilities and Fund Equity		2,956,417.45-
		=====

City of Fayetteville, Arkansas
Street Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Intergovernmental	362,612.88	4,686,900	4,645,332.44	41,567.56	99%
Charges For Services	732.83	51,600	138,525.10	86,925.10-	268%
Interest	1,354.82	30,000	17,447.72	12,552.28	58%
Gain/Loss on Investments	7,320.32-	0	7,320.32-	7,320.32	%
Gain/Loss on sale of assets	.00	0	.00	.00	%
Miscellaneous	10,585.91	9,000	39,776.23	30,776.23-	442%
Operating Transfers	11,056.00	11,056	11,056.00	.00	100%
 Total Revenues:	 379,022.12	 4,788,556	 4,844,817.17	 56,261.17-	 101%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Street Operations & Admin	339,147.73	1,870,794	1,752,863.86	.00	117,930.14	94%
Right of Way Maintenance	28,312.52	290,292	261,386.92	.00	28,905.08	90%
Street Maintenance	116,360.28	1,343,509	1,276,723.70	.00	66,785.30	95%
Drainage Maintenance	68,108.11	559,075	531,113.24	.00	27,961.76	95%
Traffic Eng/Planning	48,350.48	543,254	515,244.24	.00	28,009.76	95%
Trail Construction	36,312.44	38,141	36,312.44	.00	1,828.56	95%
Sidewalk Maintenance	81,645.83	701,384	475,984.46	.00	225,399.54	68%
 Total Expenditures:	 718,237.39	 5,346,449	 4,849,628.86	 .00	 496,820.14	 91%
 Fund Net Gain/Loss	 339,215.27-		 4,811.69-			

City of Fayetteville, Arkansas
Parking Fund
Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *	
Assets	
Cash	78,496.00
Investments	552,863.46
Receivables	8,327.50
Accrued interest	1,021.43
Due from others	30,767.54
Prepays	2,001.75

Total Assets	673,477.68
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	1,962.68-
Accrued expenses	8,147.96-
Due to others	574,865.85-
Escrow	33,267.62-

Total Liability	618,244.11-
Equity	
Unspendable fund balance	2,001.75-
Restricted fund balance	.00
Committed fund balance	1,032.63-
Assigned fund blalnce	52,199.19-
Unassigned fund balance	.00
Reserved fund balance	.00
Current year revenue and expense	.00

Total Equity	55,233.57-

Total Liabilities and Fund Equity	673,477.68-
	=====

City of Fayetteville, Arkansas
Parking Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Charges For Services	84,332.53	1,015,250	1,158,025.33	142,775.33-	114%
Fines & Forfeitures	21,211.00	260,000	221,213.00	38,787.00	85%
Interest	309.27	20,425	3,914.36	16,510.64	19%
Gain/Loss on Investments	555.01-	0	555.01-	555.01	%
Miscellaneous	.00	225	1,065.61	840.61-	474%
Non-Operating Misc	2,397.17-	0	655.07-	655.07	%
	-----	-----	-----	-----	
Total Revenues:	102,900.62	1,295,900	1,383,008.22	87,108.22-	107%
	-----	-----	-----	-----	

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Off Street Parking Exp	78,353.36	451,026	447,129.85	.00	3,896.15	99%
EntertainmentDistrictPkg	110,433.53	679,186	678,237.08	.00	948.92	100%
Contra Cap Assets/PrinPay	11,383.59-	0	135,359.93-	.00	135,359.93	%
	-----	-----	-----	-----	-----	
Total Expenditures:	177,403.30	1,130,212	990,007.00	.00	140,205.00	88%
	-----	-----	-----	-----	-----	
Fund Net Gain/Loss	74,502.68-		393,001.22			
	=====		=====			

City of Fayetteville, Arkansas
Community Development Fund
Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *	
Assets	
Cash	9,970.98
Receivables	.00
Due from others	11,045.36
Prepays	.00
Property, plant, and equipment	.00

Total Assets	21,016.34
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	4,115.40-
Accrued expenses	6,285.68-
Due to others	664.28-
Escrow	5,000.00-

Total Liability	16,065.36-
Equity	
Assigned fund blalnce	4,950.98-
Unassigned fund balance	.00
Reserved fund balance	.00
Current year revenue and expense	.00

Total Equity	4,950.98-

Total Liabilities and Fund Equity	21,016.34-
	=====

City of Fayetteville, Arkansas
Community Development Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Intergovernmental	53,358.10	1,216,788	448,963.88	767,824.12	37%
Contributions	4,465.89	2,097	7,025.00	4,928.00-	335%
Miscellaneous	.00	0	.00	.00	%
Operating Transfers	.00	0	.00	.00	%
Total Revenues:	57,823.99	1,218,885	455,988.88	762,896.12	37%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Comm Devel Admin/Planning	12,896.45	191,098	104,384.39	.00	86,713.61	55%
Housing Services	14,393.33	709,431	190,089.07	.00	519,341.93	27%
Redevelopment	1,264.55	79,132	18,024.74	.00	61,107.26	23%
Public Services	23,811.05	98,814	70,775.45	.00	28,038.55	72%
Public Facilities/Improve	.00	140,410	67,764.25	.00	72,645.75	48%
Total Expenditures:	52,365.38	1,218,885	451,037.90	.00	767,847.10	37%
Fund Net Gain/Loss	5,458.61		4,950.98			

City of Fayetteville, Arkansas
Special State Grants Fund
Balance Sheet

December 31, 2011

	* * * * *	A S S E T S	* * * * *
Assets			
Cash			.00
Receivables			.00
Due from others			.00
Total Assets			.00
	* * *	L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *
Liabilities			
Accounts payable			.00
Due to others			.00
Escrow			.00
Total Liability			.00
Equity			
Unassigned fund balance			.00
Reserved fund balance			.00
Current year revenue and expense			.00
Total Equity			.00
Total Liabilities and Fund Equity			.00

City of Fayetteville, Arkansas
Special State Grants Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Intergovernmental	.00	0	52,667.75	52,667.75-	%
Total Revenues:	.00	0	52,667.75	52,667.75-	%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
NWACC Equipment Grant	.00	55,399	55,398.75	.00	.25	100%
Total Expenditures:	.00	55,399	55,398.75	.00	.25	100%
Fund Net Gain/Loss	.00		2,731.00-			

City of Fayetteville, Arkansas
Energy Block Grant Fund
Balance Sheet

December 31, 2011

* * * * *	A S S E T S	* * * * *
Assets		
Cash		61.12
Receivables		13,569.32
Due from others		18,555.53

Total Assets		32,185.97
		=====
 * * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *		
Liabilities		
Accounts payable		18,616.65-
Accrued expenses		.00
Due to others		.00

Total Liability		18,616.65-
Equity		
Restricted fund balance		13,569.32-
Assigned fund blalnce		.00
Unassigned fund balance		.00
Reserved fund balance		.00
Current year revenue and expense		.00

Total Equity		13,569.32-

Total Liabilities and Fund Equity		32,185.97-
		=====

City of Fayetteville, Arkansas
Energy Block Grant Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Intergovernmental	105,463.50	460,713	419,458.01	41,254.99	91%
Interest	.00	0	.00	.00	%
Total Revenues:	105,463.50	460,713	419,458.01	41,254.99	91%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Economic Development	92,631.74	460,713	405,888.69	.00	54,824.31	88%
Total Expenditures:	92,631.74	460,713	405,888.69	.00	54,824.31	88%
Fund Net Gain/Loss	12,831.76		13,569.32			

City of Fayetteville, Arkansas
Parks Development Fund
Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *	
Assets	
Cash	2,072.86
Investments	5,211,845.73
Receivables	.00
Accrued interest	9,629.04
Due from others	26,777.13
Prepays	.00

Total Assets	5,250,324.76
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	7,795.81-
Accrued expenses	37,313.54-
Due to others	226,743.12-
Escrow	296,537.78-

Total Liability	568,390.25-
Equity	
Restricted fund balance	4,681,934.51-
Assigned fund blalnce	.00
Unassigned fund balance	.00
Reserved fund balance	.00
Current year revenue and expense	.00

Total Equity	4,681,934.51-

Total Liabilities and Fund Equity	5,250,324.76-
	=====

City of Fayetteville, Arkansas
Parks Development Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	201,889.16	2,139,600	2,298,186.97	158,586.97-	107%
Intergovernmental	.00	0	.00	.00	%
Charges For Services	33,868.03	180,896	123,818.50	57,077.50	68%
Interest	2,569.04	89,000	39,182.04	49,817.96	44%
Gain/Loss on Investments	17,861.33-	0	17,861.33-	17,861.33	%
Contributions	33,600.00	53,600	33,500.00	20,100.00	63%
Miscellaneous	.00	1,189	4,183.25	2,994.25-	352%
Operating Transfers	.00	0	.00	.00	%
 Total Revenues:	 254,064.90	 2,464,285	 2,481,009.43	 16,724.43-	 101%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Parks Development Exp	173,512.23	1,692,600	1,633,055.55	.00	59,544.45	96%
Parks Development Capital	172,405.63	4,948,931	832,521.85	.00	4,116,409.15	17%
Parks Dev GreenSpace	29,278.81	182,817	121,574.91	.00	61,242.09	67%
 Total Expenditures:	 375,196.67	 6,824,348	 2,587,152.31	 .00	 4,237,195.69	 38%
 Fund Net Gain/Loss	 121,131.77-		 106,142.88-			

City of Fayetteville, Arkansas
Impact Fee Fund
Balance Sheet

December 31, 2011

		* * * * *	A S S E T S	* * * * *		
Assets						
Cash						.00
Investments						6,327,258.43
Receivables						.00
Accrued interest						11,689.81
Due from others						35,752.52

Total Assets						6,374,700.76
						=====
		* * *	L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *		
Liabilities						
Accounts payable						.00
Due to others						1,117,912.21-

Total Liability						1,117,912.21-
Equity						
Restricted fund balance						5,256,788.55-
Assigned fund blalnce						.00
Unassigned fund balance						.00
Reserved fund balance						.00
Current year revenue and expense						.00

Total Equity						5,256,788.55-

Total Liabilities and Fund Equity						6,374,700.76-
						=====

City of Fayetteville, Arkansas
Impact Fee Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Charges For Services	42,408.95	1,168,800	911,064.58	257,735.42	78%
Interest	3,380.40	91,200	53,905.74	37,294.26	59%
Gain/Loss on Investments	23,273.83-	0	23,273.83-	23,273.83	%
Total Revenues:	22,515.52	1,260,000	941,696.49	318,303.51	75%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Impact Fee Expense	1,107,409.66	7,671,656	2,261,672.12	.00	5,409,983.88	29%
Total Expenditures:	1,107,409.66	7,671,656	2,261,672.12	.00	5,409,983.88	29%
Fund Net Gain/Loss	1,084,894.14-		1,319,975.63-			

City of Fayetteville, Arkansas
 Pol & Fire Pension Rev Fund
 Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *									
Assets									
	Investments								.00
	Due from others								.00
Total Assets									.00
=====									
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *									
Liabilities									
	Due to others								.00
	Escrow								.00
Total Liability									.00
Equity									
	Unassigned fund balance								.00
	Current year revenue and expense								.00
Total Equity									.00

Total Liabilities and Fund Equity									.00
=====									

City of Fayetteville, Arkansas
 Pol & Fire Pension Rev Fund
 Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	996,761.14	0	996,761.14	996,761.14-	%
Intergovernmental	430,899.98	0	430,899.98	430,899.98-	%
 	-----	-----	-----	-----	
Total Revenues:	1,427,661.12	0	1,427,661.12	1,427,661.12-	%
	-----	-----	-----	-----	

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Pol & Fire Pension Exp	1,427,661.12	0	1,427,661.12	.00	1,427,661.12-	%
	-----	-----	-----	-----	-----	
Total Expenditures:	1,427,661.12	0	1,427,661.12	.00	1,427,661.12-	%
	-----	-----	-----	-----	-----	
 Fund Net Gain/Loss	 .00		 .00			
	=====		=====			

City of Fayetteville, Arkansas
Drug Law Enforcement Fund
Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *	
Assets	
Cash	187,224.46
Receivables	30,201.65
Due from others	13,752.89
Prepays	560.00

Total Assets	231,739.00
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	14,976.43-
Accrued expenses	6,699.93-
Due to others	1,278.45-
Escrow	14,243.55-

Total Liability	37,198.36-
Equity	
Restricted fund balance	78,237.39-
Assigned fund blalnce	.00
Unassigned fund balance	.00
Reserved fund balance	116,303.25-
Current year revenue and expense	.00

Total Equity	194,540.64-

Total Liabilities and Fund Equity	231,739.00-
	=====

City of Fayetteville, Arkansas
Drug Law Enforcement Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Intergovernmental	51,372.35	263,518	291,600.78	28,082.78-	111%
Charges For Services	.00	1,800	2,075.16	275.16-	115%
Fines & Forfeitures	.00	12,800	48,473.41	35,673.41-	379%
Interest	.00	0	.00	.00	%
Miscellaneous	.00	0	205.04	205.04-	%
Operating Transfers	55,010.96	219,000	212,461.23	6,538.77	97%
 Total Revenues:	 106,383.31	 497,118	 554,815.62	 57,697.62-	 112%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Drug Law Enforcement	58,285.43	525,650	477,885.55	.00	47,764.45	91%
 Total Expenditures:	 58,285.43	 525,650	 477,885.55	 .00	 47,764.45	 91%
 Fund Net Gain/Loss	 48,097.88		 76,930.07			

City of Fayetteville, Arkansas
Fire Bond Fund
Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *	
Assets	
Cash	.00
Accrued interest	.00
Restricted assets	
Investments	.00

Total Assets	.00
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Restricted liabilities	
Accrued interest payable	.00

Total Liability	.00
Equity	
Unassigned fund balance	.00
Reserved fund balance	.00
Current year revenue and expense	.00

Total Equity	.00

Total Liabilities and Fund Equity	.00
	=====

City of Fayetteville, Arkansas
Fire Bond Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Interest	.00	0	153.86	153.86-	%
Operating Transfers	.00	26,578	163,397.11	136,819.11-	615%
Non Operating Interest	.00	0	751.44	751.44-	%
 Total Revenues:	 .00	 26,578	 164,302.41	 137,724.41-	 618%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Fire Bonds Expenses	.00	451,378	451,376.80	.00	1.20	100%
 Total Expenditures:	 .00	 451,378	 451,376.80	 .00	 1.20	 100%
 Fund Net Gain/Loss	 .00		 287,074.39-			

City of Fayetteville, Arkansas
TIF Bond Fund
Balance Sheet

December 31, 2011

		* * * * *	A S S E T S	* * * * *		
Assets						
	Cash					.00
	Receivables					.00
	Accrued interest					1.37
	Due from others					.00
	Restricted assets					
	Investments					153,540.28

Total Assets						153,541.65
						=====
		* * *	L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *		
Liabilities						
	Accounts payable					.00
	Escrow					.00

Total Liability						.00
Equity						
	Restricted fund balance					153,541.65-
	Unassigned fund balance					.00
	Reserved fund balance					.00
	Current year revenue and expense					.00

Total Equity						153,541.65-

Total Liabilities and Fund Equity						153,541.65-
						=====

City of Fayetteville, Arkansas
TIF Bond Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	12,482.38	55,000	148,688.31	93,688.31-	270%
Operating Transfers	.00	0	.00	.00	%
Non Operating Interest	1.24	0	6.84	6.84-	%
 Total Revenues:	 12,483.62	 55,000	 148,695.15	 93,695.15-	 270%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
TIF Bonds Expenses	.00	114,387	114,356.95	.00	30.05	100%
 Total Expenditures:	 .00	 114,387	 114,356.95	 .00	 30.05	 100%
 Fund Net Gain/Loss	 12,483.62		 34,338.20			

City of Fayetteville, Arkansas
Sales Tax Imp Bond Debt Fund
Balance Sheet

December 31, 2011

* * * * *				A S S E T S				* * * * *							
Assets															
Cash								.00							
Investments								.00							
Receivables								.00							
Accrued interest								19.69							
Due from others								1,368,642.45							
Restricted assets															
Investments								2,353,377.30							

Total Assets								3,722,039.44							
								=====							
* * *				L I A B I L I T I E S A N D F U N D E Q U I T Y								* * *			
Liabilities															
Accounts payable												.00			
Due to others												.00			
Restricted liabilities															
Accrued interest payable												12,418.54-			

Total Liability												12,418.54-			
Equity															
Restricted fund balance												3,709,620.90-			
Unassigned fund balance												.00			
Reserved fund balance												.00			
Current year revenue and expense												.00			

Total Equity												3,709,620.90-			

Total Liabilities and Fund Equity												3,722,039.44-			

City of Fayetteville, Arkansas
Sales Tax Imp Bond Debt Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	1,368,642.45	15,372,400	16,518,746.18	1,146,346.18-	107%
Transfers	.00	0	.00	.00	%
Interest	20.68	1,300	678.19	621.81	52%
Operating Transfers	.00	0	2.05	2.05-	%
Contributions/Grants	.00	0	.00	.00	%
Non-Operating Misc	.00	0	.00	.00	%
 Total Revenues:	 1,368,663.13	 15,373,700	 16,519,426.42	 1,145,726.42-	 107%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Sales Tax Bonds - Expense	9,256,845.00	16,288,057	16,288,056.89	.00	.11	100%
 Total Expenditures:	 9,256,845.00	 16,288,057	 16,288,056.89	 .00	 .11	 100%
 Fund Net Gain/Loss	 7,888,181.87-		 231,369.53			

City of Fayetteville, Arkansas
Replacement & DisasterRec Fund
Balance Sheet

December 31, 2011

* * * * *	A S S E T S	* * * * *
Assets		
Cash		.00
Investments		2,957,517.12
Receivables		.00
Accrued interest		5,464.10
Due from others		780,109.26

Total Assets		3,743,090.48
		=====
 * * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *		
Liabilities		
Accounts payable		.00
Due to others		38,707.32-

Total Liability		38,707.32-
Equity		
Unspendable fund balance		621,890.96-
Committed fund balance		3,000,000.00-
Assigned fund blalnce		82,492.20-
Unassigned fund balance		.00
Reserved fund balance		.00
Current year revenue and expense		.00

Total Equity		3,704,383.16-

Total Liabilities and Fund Equity		3,743,090.48-
		=====

City of Fayetteville, Arkansas
Replacement & Disaster Rec Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Intergovernmental	260,693.27	875,000	535,357.22	339,642.78	61%
Charges For Services	4,699.62-	44,500	32,530.92	11,969.08	73%
Interest	2,468.00	56,300	33,795.28	22,504.72	60%
Gain/Loss on Investments	7,447.28-	0	7,447.28-	7,447.28	%
Miscellaneous	.00	0	899.90	899.90-	%
Operating Transfers	.00	0	.00	.00	%
 Total Revenues:	 251,014.37	 975,800	 595,136.04	 380,663.96	 61%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Replacement Fund Exp	31,001.00	181,897	58,617.12	.00	123,279.88	32%
FEMA Disaster	26,913.00	1,000,000	66,736.26	.00	933,263.74	7%
 Total Expenditures:	 57,914.00	 1,181,897	 125,353.38	 .00	 1,056,543.62	 11%
 Fund Net Gain/Loss	 193,100.37		 469,782.66			

City of Fayetteville, Arkansas
Sales Tax Cap Imp Fund
Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *	
Assets	
Cash	.00
Investments	8,862,278.90
Receivables	.00
Accrued interest	16,373.34
Due from others	1,284,191.49
Restricted assets	
Investments	.00
Other assets	.00
Total Assets	10,162,843.73
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	75,668.76-
Due to others	1,008,671.49-
Escrow	344,072.64-
Total Liability	1,428,412.89-
Equity	
Committed fund balance	3,654,619.82-
Assigned fund blalnce	5,079,811.02-
Unassigned fund balance	.00
Designated Unres Fund Bal	.00
Reserved fund balance	.00
Current year revenue and expense	.00
Total Equity	8,734,430.84-
Total Liabilities and Fund Equity	10,162,843.73-
	=====

City of Fayetteville, Arkansas
Sales Tax Cap Imp Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	546,852.57	6,149,000	6,601,313.06	452,313.06-	107%
Intergovernmental	176,508.76	5,787,050	2,596,935.75	3,190,114.25	45%
Charges For Services	256,641.61	793,165	270,545.09	522,619.91	34%
Interest	4,498.96	128,000	57,600.06	70,399.94	45%
Gain/Loss on Investments	22,883.37-	0	22,883.37-	22,883.37	%
Contributions	.00	0	.00	.00	%
Gain/Loss on sale of assets	2,141.25-	50,879	26,408.75	24,470.25	52%
Miscellaneous	112.44	0	15,786.80	15,786.80-	%
Operating Transfers	.00	0	.00	.00	%
Non Operating Interest	.00	0	.00	.00	%
Non-Operating Misc	.00	0	.00	.00	%
 Total Revenues:	 959,589.72	 12,908,094	 9,545,706.14	 3,362,387.86	 74%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Cap Improv Const Fund Exp	1,350,979.77	19,012,415	7,962,277.93	.02	11,050,137.05	42%
 Total Expenditures:	 1,350,979.77	 19,012,415	 7,962,277.93	 .02	 11,050,137.05	 42%
 Fund Net Gain/Loss	 391,390.05-		 1,583,428.21			

City of Fayetteville, Arkansas
Wastewater Impr Const Fund
Balance Sheet

December 31, 2011

* * * * *		A S S E T S	* * * * *	
Assets				
Cash		32.30		
Investments		1,606,443.55		
Receivables		.00		
Accrued interest		2,967.95		
Due from others		.00		
Prepays		.00		
Restricted assets				
Investments		.00		
Accrued interest		.00		

Total Assets		1,609,443.80		
		=====		
* * *		L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *	
Liabilities				
Accounts payable		135,801.43-		
Due to others		1,989.12-		
Long term liabilities		.00		

Total Liability		137,790.55-		
Equity				
Committed fund balance		289,933.77-		
Assigned fund blalnce		1,181,719.48-		
Unassigned fund balance		.00		
Reserved fund balance		.00		
Current year revenue and expense		.00		

Total Equity		1,471,653.25-		

Total Liabilities and Fund Equity		1,609,443.80-		
		=====		

City of Fayetteville, Arkansas
Wastewater Impr Const Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	.00	0	.00	.00	%
Interest	864.88	0	21,625.17	21,625.17-	%
Gain/Loss on Investments	14,571.86-	0	14,571.86-	14,571.86	%
Operating Transfers	.00	0	.00	.00	%
Non-Operating Misc	.00	0	.00	.00	%
 Total Revenues:	 13,706.98-	 0	 7,053.31	 7,053.31-	 %

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Sewer Plant Const Expense	23,641.16	3,046,222	1,656,259.94	.00	1,389,962.06	54%
 Total Expenditures:	 23,641.16	 3,046,222	 1,656,259.94	 .00	 1,389,962.06	 54%
 Fund Net Gain/Loss	 37,348.14-		 1,649,206.63-			

City of Fayetteville, Arkansas
Sales Tax Construct Bonds Fund
Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *	
Assets	
Cash	13.10
Investments	.00
Receivables	.00
Accrued interest	98.83
Due from others	.00
Restricted assets	
Investments	11,903,522.36

Total Assets	11,903,634.29
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	50,720.29-
Due to others	57,902.55-

Total Liability	108,622.84-
Equity	
Restricted fund balance	11,795,011.45-
Assigned fund blalnce	.00
Unassigned fund balance	.00
Reserved fund balance	.00
Current year revenue and expense	.00

Total Equity	11,795,011.45-

Total Liabilities and Fund Equity	11,903,634.29-
	=====

City of Fayetteville, Arkansas
Sales Tax Construct Bonds Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Charges For Services	.00	0	.00	.00	%
Interest	139.80	6,000	1,974.49	4,025.51	33%
Miscellaneous	.00	0	.00	.00	%
Non-Operating Misc	.00	0	.00	.00	%
 Total Revenues:	 139.80	 6,000	 1,974.49	 4,025.51	 33%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Sales Tax Constr Fnd 2006	100,383.57	3,767,964	2,411,731.20	.00	1,356,232.80	64%
WSIP Sales Tax Const 2007	59,274.41	1,153,062	1,149,295.78	.00	3,766.22	100%
Street Sales Tax 2009	.00	9,633,374	1,307,295.16	.00	8,326,078.84	14%
Trails Sales Tax 2009	47,967.27	939,482	505,954.77	.00	433,527.23	54%
 Total Expenditures:	 207,625.25	 15,493,882	 5,374,276.91	 .00	 10,119,605.09	 35%
 Fund Net Gain/Loss	 207,485.45-		 5,372,302.42-			

City of Fayetteville, Arkansas
Water & Sewer Fund
Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *	
Assets	
Cash	800,557.28
Investments	15,730,604.52
Receivables	2,877,341.66
Accrued interest	29,062.77
Due from others	158,368.56
Inventory	1,039,797.53
Prepays	68,338.39
Restricted assets	
Investments	5,504,093.50
Accrued interest	.02
Property, plant, and equipment	301,414,350.06
Unamortized bond issuance costs	159,947.49

Total Assets	327,782,461.78
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	1,239,810.60-
Accrued expenses	400,278.78-
Due to others	1,075,477.31-
Escrow	824,270.50-
Restricted liabilities	
Accrued interest payable	179,450.54-
Current portion-LTD	2,120,000.00-
Long term liabilities	12,065,854.62-
Unamortized bond discount	33,605.27

Total Liability	17,871,537.08-
Equity	
Unassigned fund balance	.00
Reserved fund balance	.00
Retained earnings	
Inv-CapAssets-Net of Debt	290,594,625.21-
Unreserved retained earn	16,906,873.95-
Reserved retained earn	2,409,425.54-
Contributed capital	.00
Current year revenue and expense	.00

Total Equity	309,910,924.70-

Total Liabilities and Fund Equity	327,782,461.78-
	=====

City of Fayetteville, Arkansas
Water & Sewer Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Intergovernmental	.00	3,323,078	.00	3,323,078.00	%
Charges For Services	2,472,446.87	30,183,100	31,983,135.39	1,800,035.39-	106%
Transfers	.00	0	.00	.00	%
Contributions	7,275.00	72,000	80,531.73	8,531.73-	112%
Operating Transfers	.00	1,156,082	.00	1,156,082.00	%
Non Operating Interest	38,159.00-	75,900	73,385.33	2,514.67	97%
Contributions/Grants	.00	0	41,038.80	41,038.80-	%
Non-Operating Misc	49,703.53	570,000	418,478.98	151,521.02	73%
	-----	-----	-----	-----	
Total Revenues:	2,491,266.40	35,380,160	32,596,570.23	2,783,589.77	92%
	-----	-----	-----	-----	

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Water & Wastewater Direct	21,423.74	192,494	164,004.03	.00	28,489.97	85%
Billing and Collections	155,360.97	1,196,666	1,042,808.63	.00	153,857.37	87%
Meter Operations	119,443.62	1,002,669	1,111,358.10	.00	108,689.10-	111%
Meter Maintenance	43,558.70	447,612	378,181.38	.00	69,430.62	84%
Meter-Capital Expenditure	413,017.71	1,285,985	1,007,596.48	.00	278,388.52	78%
Water Purchased	403,058.28	6,500,000	6,057,950.04	.00	442,049.96	93%
Water/Sewer Maint Admin	223,400.66	3,411,956	3,234,170.21	.00	177,785.79	95%
Utilities Proj Management	321.39	388,188	224,088.03	.00	164,099.97	58%
Water Distribution	385,176.84	1,733,400	3,917,463.15	.00	2,184,063.15-	226%
Water Storage/Pump Maint	21,786.03	207,328	173,615.14	.00	33,712.86	84%
Sewer Main Maintenance	346,131.62	1,927,701	3,239,988.24	.00	1,312,287.24-	168%
WWTP Admin & SCADA	81,735.65	1,012,194	1,000,971.63	.00	11,222.37	99%
WWTP Eastside Operations	412,863.80	3,521,760	5,118,250.08	.00	1,596,490.08-	145%
WWTP West Side Operations	531,889.99	2,075,792	6,317,744.00	.00	4,241,952.00-	304%
WWTP Lab & IPP	38,310.92	459,732	459,731.04	.00	.96	100%
WWTP Lift Station Maint	66,872.15	716,571	818,534.93	.00	101,963.93-	114%
Capital Water Mains	1,046,995.83	7,764,784	3,834,975.43	.00	3,929,808.57	49%
Water & Sewer Connections	42,401.81	298,071	234,674.22	.00	63,396.78	79%
Water Capital 2009 Bonds	615,230.10	3,681,658	2,760,189.97	.00	921,468.03	75%
Sewer Mains Construction	71,887.95	5,951,882	744,785.74	.00	5,207,096.26	13%
Sewer Capital 2009 Bonds	.00	1,723,660	.00	.00	1,723,660.00	%
East WW Treatment-Capital	44,543.26	1,818,096	178,462.30	.00	1,639,633.70	10%
Water And Sewer Bonds	54,679.21	1,892,809	627,512.99	.00	1,265,296.01	33%
Contra Cap Assets/PrinPay	1,777,773.84-	0	8,218,441.99-	.00	8,218,441.99	%
Depreciation Budget	.00	10,266,627	.00	.00	10,266,627.00	%
	-----	-----	-----	-----	-----	
Total Expenditures:	3,362,316.39	59,477,635	34,428,613.77	.00	25,049,021.23	58%
	-----	-----	-----	-----	-----	
Fund Net Gain/Loss	871,049.99-		1,832,043.54-			
	=====		=====			

City of Fayetteville, Arkansas
Solid Waste Fund
Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *	
Assets	
Cash	350.00
Investments	9,282,556.77
Receivables	1,084,335.62
Accrued interest	17,149.81
Due from others	181,242.75
Inventory	33,584.99
Prepays	1,471.75
Property, plant, and equipment	2,382,098.18

Total Assets	12,982,789.87
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	4,545.13-
Accrued expenses	221,183.16-
Due to others	743,853.88-
Escrow	47,376.92-
Restricted liabilities	
Accrued interest payable	.00
Current portion-LTD	.00
Long term liabilities	345,731.61-

Total Liability	1,362,690.70-
Equity	
Unassigned fund balance	.00
Reserved fund balance	.00
Retained earnings	
Inv-CapAssets-Net of Debt	2,382,098.18-
Unreserved retained earn	9,238,000.99-
Contributed capital	.00
Current year revenue and expense	.00

Total Equity	11,620,099.17-

Total Liabilities and Fund Equity	12,982,789.87-
	=====

City of Fayetteville, Arkansas
Solid Waste Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes *	12,811.66	82,300	156,632.69	74,332.69-	190%
Intergovernmental	.00	0	15,551.00	15,551.00-	%
Charges For Services	853,380.17	8,447,100	9,045,392.58	598,292.58-	107%
Operating Transfers	.00	0	.00	.00	%
Non Operating Interest	23,676.58-	108,000	45,096.54	62,903.46	42%
Contributions/Grants	.00	0	.00	.00	%
Non-Operating Misc	102.97	7,900	22,376.73	14,476.73-	283%
Total Revenues:	842,618.22	8,645,300	9,285,049.54	639,749.54-	107%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Solid Waste Oper & Admin	157,463.90	1,586,611	1,491,744.30	.00	94,866.70	94%
Commercial Collection	227,677.26	2,176,003	1,981,987.72	.00	194,015.28	91%
Residential Collection	241,072.35	1,552,129	1,537,432.50	.00	14,696.50	99%
Commercial Drop Collect	76,331.97	523,945	514,958.30	.00	8,986.70	98%
Transfer Station	153,723.63	853,689	851,897.74	.00	1,791.26	100%
Recycling	138,453.44	1,481,948	1,517,710.17	.00	35,762.17-	102%
Composting	63,048.90	731,078	743,183.68	.00	12,105.68-	102%
Solid Waste Projects	340,179.73	2,101,718	614,456.51	.00	1,487,261.49	29%
Contra Cap Assets/PrinPay	241,769.84-	0	549,651.51-	.00	549,651.51	%
Depreciation Budget	.00	224,736	.00	.00	224,736.00	%
Total Expenditures:	1,156,181.34	11,231,857	8,703,719.41	.00	2,528,137.59	77%
Fund Net Gain/Loss	313,563.12-		581,330.13			

* This Revenue Class Includes Franchise Fees

City of Fayetteville, Arkansas
 Airport Fund
 Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *	
Assets	
Cash	.00
Investments	715,002.01
Receivables	36,301.49
Accrued interest	1,320.99
Due from others	139,419.64
Inventory	5,995.73
Prepays	9,662.27
Property, plant, and equipment	13,853,921.22

Total Assets	14,761,623.35
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	15,931.38-
Accrued expenses	30,756.55-
Due to others	331,745.85-
Escrow	17,530.49-
Long term liabilities	39,654.62-

Total Liability	435,618.89-
Equity	
Unassigned fund balance	.00
Reserved fund balance	.00
Retained earnings	
Inv-CapAssets-Net of Debt	13,895,456.34-
Unreserved retained earn	430,548.12-
Contributed capital	.00
Current year revenue and expense	.00

Total Equity	14,326,004.46-

Total Liabilities and Fund Equity	14,761,623.35-
	=====

City of Fayetteville, Arkansas
Airport Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	2,900.65	24,200	29,733.24	5,533.24-	123%
Intergovernmental	.00	0	.00	.00	%
Charges For Services	14,648.85	681,300	642,827.35	38,472.65	94%
Miscellaneous	209.69	7,100	11,868.97	4,768.97-	167%
Operating Transfers	15,857.00	15,857	15,857.00	.00	100%
Non Operating Interest	2,319.04-	12,000	5,098.45	6,901.55	42%
Contributions/Grants	128,404.49	766,941	779,187.07	12,246.07-	102%
Non-Operating Misc	.00	0	100.00-	100.00	%
Total Revenues:	159,701.64	1,507,398	1,484,472.08	22,925.92	98%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Airport Administration	193,427.93	894,594	2,279,609.70	.00	1,385,015.70-	255%
Airport Maintenance	22,754.80	201,464	188,990.60	.00	12,473.40	94%
Airport Capital Exp	137,714.92	956,112	663,617.06	.00	292,494.94	69%
Contra Cap Assets/PrinPay	118,905.00-	0	937,423.37-	.00	937,423.37	%
Depreciation Budget	.00	1,423,689	.00	.00	1,423,689.00	%
Total Expenditures:	234,992.65	3,475,859	2,194,793.99	.00	1,281,065.01	63%
Fund Net Gain/Loss	75,291.01-		710,321.91-			

City of Fayetteville, Arkansas
Town Center Fund
Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *	
Assets	
Cash	.00
Investments	.00
Receivables	.00
Accrued interest	.00
Due from others	.00
Prepays	.00
Restricted assets	
Investments	168,446.57
Accrued interest	.10-
Property, plant, and equipment	5,483,675.51
Unamortized bond issuance costs	34,630.59

Total Assets	5,686,752.57
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	.00
Due to others	.00
Restricted liabilities	
Accrued interest payable	20,911.94-
Current portion-LTD	590,000.00-
Long term liabilities	1,849,798.27-
Unamortized bond discount	19,520.87

Total Liability	2,441,189.34-
Equity	
Unassigned fund balance	.00
Reserved fund balance	.00
Retained earnings	
Inv-CapAssets-Net of Debt	3,063,398.11-
Unreserved retained earn	34,630.53-
Reserved retained earn	147,534.59-
Contributed capital	.00
Current year revenue and expense	.00

Total Equity	3,245,563.23-

Total Liabilities and Fund Equity	5,686,752.57-
	=====

City of Fayetteville, Arkansas
Town Center Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Contributions	57,258.99	702,600	682,160.59	20,439.41	97%
Operating Transfers	.00	0	.00	.00	%
Non Operating Interest	.36	100	28.58	71.42	29%
 Total Revenues:	 57,259.35	 702,700	 682,189.17	 20,510.83	 97%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Town Center Expense	40,727.93	702,700	1,070,410.83	.00	367,710.83-	152%
Contra Cap Assets/PrinPay	.00	0	575,000.00-	.00	575,000.00	%
Depreciation Budget	.00	367,759	.00	.00	367,759.00	%
 Total Expenditures:	 40,727.93	 1,070,459	 495,410.83	 .00	 575,048.17	 46%
 Fund Net Gain/Loss	 16,531.42		 186,778.34			

City of Fayetteville, Arkansas
Police Pension Fund
Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *	
Assets	
Cash	19,642.97
Investments	8,193,968.01
Receivables	.00
Accrued interest	13,643.74
Due from others	10,930.05

Total Assets	8,238,184.77
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	.00
Due to others	.00
Escrow	12,900.00-

Total Liability	12,900.00-
Equity	
Unassigned fund balance	.00
Reserved fund balance	8,225,284.77-
Current year revenue and expense	.00

Total Equity	8,225,284.77-

Total Liabilities and Fund Equity	8,238,184.77-
	=====

City of Fayetteville, Arkansas
Police Pension Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	469,212.87-	461,800	.00	461,800.00	%
Intergovernmental	282,644.53-	281,500	.00	281,500.00	%
Fines & Forfeitures	10,930.05	130,300	126,045.40	4,254.60	97%
Interest	32,049.05	190,200	192,469.79	2,269.79-	101%
Gain/Loss on Investments	4,989.59	0	208,313.53	208,313.53-	%
Contributions	.00	0	.00	.00	%
Gain/Loss on sale of assets	676.62	0	5,026.40	5,026.40-	%
Miscellaneous	.00	0	104.60	104.60-	%
Operating Transfers	768,125.10	0	768,125.10	768,125.10-	%
 Total Revenues:	 64,913.01	 1,063,800	 1,300,084.82	 236,284.82-	 122%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Police Pension Expense	131,970.39	1,692,800	1,630,697.48	.00	62,102.52	96%
 Total Expenditures:	 131,970.39	 1,692,800	 1,630,697.48	 .00	 62,102.52	 96%
 Fund Net Gain/Loss	 67,057.38-		 330,612.66-			

City of Fayetteville, Arkansas
Fire Pension Fund
Balance Sheet

December 31, 2011

		* * * * *	A S S E T S	* * * * *
Assets				
Cash			143,278.81	
Investments			4,858,352.94	
Receivables			.00	
Accrued interest			13,882.63	
Due from others			.00	

Total Assets			5,015,514.38	
			=====	
		* * *	L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *
Liabilities				
Accounts payable			95.00-	
Due to others			.00	

Total Liability			95.00-	
Equity				
Unassigned fund balance			.00	
Reserved fund balance			5,015,419.38-	
Current year revenue and expense			.00	

Total Equity			5,015,419.38-	

Total Liabilities and Fund Equity			5,015,514.38-	
			=====	

City of Fayetteville, Arkansas
Fire Pension Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	469,212.87-	461,800	.00	461,800.00	%
Intergovernmental	161,155.45-	143,600	.00	143,600.00	%
Interest	10,382.60	124,100	110,158.40	13,941.60	89%
Gain/Loss on Investments	2,788.72-	0	138,025.35	138,025.35-	%
Contributions	.00	0	.00	.00	%
Miscellaneous	.00	0	33.64	33.64-	%
Operating Transfers	659,536.02	0	659,536.02	659,536.02-	%
 Total Revenues:	 36,761.58	 729,500	 907,753.41	 178,253.41-	 124%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Fire Pension Expense	119,285.94	1,480,400	1,466,243.29	.00	14,156.71	99%
 Total Expenditures:	 119,285.94	 1,480,400	 1,466,243.29	 .00	 14,156.71	 99%
 Fund Net Gain/Loss	 82,524.36-		 558,489.88-			

City of Fayetteville, Arkansas
Shop Fund
Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *	
Assets	
Cash	.00
Investments	8,782,840.07
Receivables	945.17
Accrued interest	16,226.57
Due from others	610,432.10
Inventory	204,459.04
Prepays	79,068.80
Property, plant, and equipment	8,193,165.87

Total Assets	17,887,137.62
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	3,368.05-
Accrued expenses	81,886.89-
Due to others	202,044.31-
Escrow	.00
Long term liabilities	110,184.20-

Total Liability	397,483.45-
Equity	
Unassigned fund balance	.00
Reserved fund balance	.00
Retained earnings	
Inv-CapAssets-Net of Debt	8,202,932.97-
Unreserved retained earn	9,286,721.20-
Contributed capital	.00
Current year revenue and expense	.00

Total Equity	17,489,654.17-

Total Liabilities and Fund Equity	17,887,137.62-
	=====

City of Fayetteville, Arkansas
Shop Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2011

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Charges For Services	510,278.89	6,640,500	6,399,789.67	240,710.33	96%
Operating Transfers	31,001.00	163,449	278,801.87	115,352.87-	171%
Non Operating Interest	18,819.33-	98,400	41,653.58	56,746.42	42%
Contributions/Grants	21,678.54	0	214,928.64	214,928.64-	%
Non-Operating Misc	9,169.37	0	45,984.03	45,984.03-	%
Total Revenues:	553,308.47	6,902,349	6,981,157.79	78,808.79-	101%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Vehicle Maintenance	520,406.03	4,565,098	6,458,054.31	.00	1,892,956.31-	141%
Fleet Operations Capital	61,540.08	4,251,363	1,885,959.23	.02-	2,365,403.79	44%
Contra Cap Assets/PrinPay	61,404.37-	0	1,885,211.02-	.00	1,885,211.02	%
Depreciation Budget	.00	2,404,397	.00	.00	2,404,397.00	%
Total Expenditures:	520,541.74	11,220,858	6,458,802.52	.02-	4,762,055.50	58%
Fund Net Gain/Loss	32,766.73		522,355.27			

City of Fayetteville, Arkansas
General Long Term Debt Fund
Balance Sheet

December 31, 2011

* * * * * A S S E T S * * * * *	
Assets	
Cash	.00
Receivables	.00
Amount available in debt service	.00
Amount to be provided for LT debt	112,369,638.98

Total Assets	112,369,638.98
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	.00
Accrued expenses	2,064,893.70-
Restricted liabilities	
Current portion-LTD	10,105,656.68-
Long term liabilities	100,199,088.60-

Total Liability	112,369,638.98-
Equity	
Unassigned fund balance	.00
Reserved fund balance	.00
Current year revenue and expense	.00

Total Equity	.00

Total Liabilities and Fund Equity	112,369,638.98-
	=====

City of Fayetteville, Arkansas
General Fixed Assets Fund
Balance Sheet

December 31, 2011

* * * * *	A S S E T S	* * * * *
Assets		
Cash		.00
Receivables		.00
Property, plant, and equipment		191,769,619.01

Total Assets		191,769,619.01
		=====
* * *	L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *
Liabilities		
Accounts payable		.00
Fund investments		298,978,360.00-

Total Liability		298,978,360.00-
Equity		
Unassigned fund balance		107,208,740.99
Reserved fund balance		.00
Current year revenue and expense		.00

Total Equity		107,208,740.99

Total Liabilities and Fund Equity		191,769,619.01-
		=====